

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION 1977
SPECIAL SESSIONS 1977

IN THREE VOLUMES

VOL. II



GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
JOE FINE, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
ROBERT T. CROWE, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATURE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1977 Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

ALABAMA LAWS

And Joint Resolutions

REGULAR SESSION 1977

Act No. 549

H. 1277—Morris

AN ACT

Relating to counties having a population of not less than 33,550 nor more than 34,000 residents according to the 1970 or any subsequent federal decennial census, to confer discretionary authority upon the governing body of such counties to appropriate from the general funds of the county certain sums of money for the payment of certain equitable and moral claims against such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 33,550 nor more than 34,000 residents according to the 1970 or any subsequent federal decennial census may, at its discretion, appropriate from the general funds of the county such sums of money as the governing body shall from time to time determine for the purpose of compensating any county employees who might have suffered any disabling injuries as a result of accidents occurring in the line and scope of their official duties. Provided, however, that the amount of such compensation shall not exceed \$50 per month per disabled employee. Nothing in this act shall be construed as a waiver of the sovereign immunity of such counties, or as a mandate to the governing body of such counties; but rather the exercise of the authority to make payment of such equitable and moral claims as may arise against such counties, and the payment shall be entirely discretionary and shall not be subject to review or compulsion by any court upon any grounds.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 550

H. 1285—Edwards, Plaster

AN ACT

To amend Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), as amended, which act provides for a clerk for the probate judge in counties having populations of not less than 12,700 nor more than 13,100 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for the salaries of such clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 133, H. 86, First Special Session 1971 (Acts 1971, p. 214), as amended, is hereby amended to read as follows:

“Section 2. In all counties having a population of not less than 12,700 nor more than 13,100 according to the 1970 or any subsequent federal decennial census, the county governing body is hereby authorized to employ a clerk to work in the office of the probate judge from time to time as it deems necessary, which clerk shall be appointed by the probate judge of any such county, and the county governing body is authorized to pay said clerk for work performed at any time during each calendar year a sum not to exceed \$400 per month out of the county treasury, the exact amount to be set by the probate judge.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 551

H. 1288—Johnson

AN ACT

To amend Act No. 1205, S. 400, Section 4-106 (g) (2) (A), Regular Session 1975 (Acts of Alabama 1975, p. 2397); now appearing in Title 13A, Section 4-106 (g) (2) (A), Code of Alabama (1940) (Recompiled 1958); now also appearing in Title 12, Section 12-17-251 (c) (1), Code of Alabama (1940) (Recompiled 1977) relating to District Court Magistrates and their powers so as to amend said Act with respect to Tuscaloosa County so as to further provide for the issuance of arrest warrants and search warrants by magistrates who are other than licensed practicing attorneys.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4-106 (g) (2) (A) of Act No. 1205, Regular Session 1975 (Acts of Alabama 1975, p. 2397),

be, and the same is, hereby amended, with respect to Tuscaloosa County, to read as follows:

“(A) issuance of arrest warrants, and where such magistrate is licensed to practice law in Alabama, search warrants; provided however, any person who was serving as a full-time magistrate, ex-officio judge, or assistant ex-officio judge of any county court of this state, six months prior to the effective date of the implementation of this act by the creation of a District Court in Tuscaloosa County, and is continuing to serve as a magistrate of a District Court, may issue arrest warrants and search warrants.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 552

H. 1293—Cross

AN ACT

Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the city of Moulton.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the city of Moulton in Lawrence County are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described property:

Beginning at the Southwest corner of Section 29, T6S, R7W, said point being the true point of beginning; thence East, along the South sectionline of Section 29, T6S, R7W, a distance of 2,300 feet, more or less, to a point, said point being 330 feet West of the centerline of Alabama Hwy. 33; thence North, 330 feet West of and parallel with the centerline of Alabama Hwy. 33, a distance of 9,855 feet, more or less, to a point; thence turning an angle of 90 degrees measured counter-clockwise from back tangent and running East a distance of 660 feet to a point, said point being 330 feet measured perpendicular from the centerline of Alabama Hwy. 33; thence South, 330 feet East of and parallel with the centerline of Alabama Hwy. 33, a distance of 615 feet to a point on the North line of South one-half of the Northeast quarter of Sec-

tion 20, T6S, R7W; thence East, along the North line of South one-half of Northeast quarter of Section 20, T6S, R7W, and the North line of South one-half of Northwest quarter of Section 21, T6S, R7W, a distance of 4,950 feet, more or less, to the Northeast corner of the South one-half of Northwest quarter of Section 21, T6S, R7W; thence South, along the one-half section line of Section 21, T6S, R7W, and the one-half section line of Section 28, T6S, R7W, a distance of one and three quarter miles, more or less, to the South sectionline of said Section 28; thence East, along the South sectionline of Section 28, T6S, R7W, a distance of 1,773 feet, more or less, to a point, said point being 360 feet Northwesterly of and perpendicular from the centerline of Alabama Hwy. 24; thence Northeasterly, 360 feet from and parallel with the centerline of Alabama Hwy. 24, a distance of 2,820 feet to a point; thence turning an angle of 90 degrees measured counterclockwise from back tangent and running a distance of 910 feet to a point, said point being 550 feet measured perpendicular from the centerline of Alabama Hwy. 24; thence Southwesterly, 550 feet from and parallel with the centerline of Alabama Hwy. 24, a distance of 2,636 feet, more or less to the West sectionline of Section 34, T6S, R7W; thence South, along the West sectionline of Section 34, T6S, R7W, a distance of 4,153 feet, more or less, to a point, said point being 700 feet North of the South sectionline of said Section 34; thence East, 700 feet from and parallel with the South sectionline of Section 34, T6S, R7W, a distance of one mile more or less, to the East sectionline of said Section 34; thence South along the East sectionline of Section 34, T6S, R7W, and the East sectionline of Section 3, T7S, R7W, a distance of 950 feet, more or less, to a point, said point being 250 feet South of the Northeast corner of said Section 3; thence West, 250 feet South of and parallel with the North sectionline of Section 3 and Section 4, T7S, R7W, a distance of one and one quarter miles more or less to the West line of the East one-half of the East one-half of said Section 4; thence South, along the West line of the East one-half of the East one-half of Section 4, T7S, R7W, a distance of 2,390 feet, more or less, to the one-half sectionline of said Section 4; thence West, along the one-half sectionline of Section 4, T7S, R7W, a distance of 3,640 feet, more or less, to a point, said point being 350 feet East of the West sectionline of said Section 4; thence South, 350 feet East of and parallel with the West sectionline of Section 4, T7S, R7W, a distance of 1,320 feet, more or less, to the North line of the South one-half of the South one-half of said Section 4; thence West, along the North line of the South one-half of the South one-half of Section 4 and Section 5, T7S, R7W, a distance of 2,630 feet, more or less, to a point, said point being 360 feet East of the centerline of Alabama Hwy. 33; thence South, 360

feet East of and parallel with the centerline of Alabama Hwy. 33, a distance of 1,320 feet, more or less, to the North sectionline of Section 8, T7S, R7W; thence East, along the North sectionline of Section 8, T7S, R7W, a distance of 565 feet to a point; thence turning an angle of 90 degrees measured counterclockwise from back tangent and running South 165 feet to a point; thence turning an angle of 90 degrees measured counterclockwise from back tangent and running West a distance of 565 feet to a point, said point being 360 feet East of the centerline of Alabama Hwy. 33; thence South, 360 feet East of and parallel with the centerline of Alabama Hwy. 33, a distance of 1,310 feet to a point; thence turning an angle of 90 degrees measured counterclockwise from back tangent and running West a distance of 700 feet to a point, said point being 340 feet measured perpendicular from the centerline of Alabama Hwy. 33; thence North, 340 feet West of and parallel with the centerline of Alabama Hwy. 33, a distance of 155 feet, more or less, to the South line of the North one-half of the North one-half of Section 8, T7S, R7W; thence West along the South line of the North one-half of the North one-half of Section 8, T7S, R7W, a distance of 980 feet, more or less, to the Southwest corner of the Northeast quarter of the Northwest quarter of said Section 8; thence North, along the West line of the East one-half of the West one-half of Section 8 and Section 5, T7S, R7W, a distance of one mile, more or less, to the Southeast corner of the Northwest quarter of the Northwest quarter of said Section 5; thence West, along the South line of the Northwest quarter of the Northwest quarter of Section 5, T7S, R7W, a distance of 1,320 feet, more or less, to the West sectionline of said Section 5; thence North, along the West sectionline of Section 5, T7S, R7W, a distance of 1,320 feet, more or less, to the Northwest corner of said Section 5; thence North, along the West sectionline of Section 32, T6S, R7W, a distance of 1,655 feet to a point; thence turning an angle of 90 degrees measured clockwise from back tangent and running West a distance of 465 feet; thence turning an angle of 90 degrees measured counterclockwise from the back tangent and running North a distance of 50 feet; thence turning an angle of 90 degrees measured clockwise from the back tangent and running West a distance of 2,206 feet, more or less, to the centerline of Section 31, T6S, R7W; thence North, along the one-half sectionline of said Section 31, a distance of 664 feet, more or less, to a point, said point being 325 feet South of the centerline of Alabama Hwy. 24; thence West, 325 feet South of and parallel with the centerline of Alabama Hwy. 24, a distance of 2,085 feet to a point; thence turning an angle of 90 degrees measured counterclockwise from back tangent and running North 650 feet to a point, said point being 325 feet North of the centerline of Alabama Hwy. 24; thence

East, 325 feet North of and parallel with the centerline of Alabama Hwy. 24, a distance of 4,725 feet, more or less, to the West sectionline of Section 32, T6S, R7W; thence North, along the West sectionline of said Section 32, a distance of 2,370 feet, more or less, to the Northwest corner of Section 32, T6S, R7W, said point being the true point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 553

H. 1296—Williams, Sasser

AN ACT

Relating to Dale County; to set the salaries and mode of payment of the probate judge, tax assessor and tax collector; to provide for the compensation, and method of appointment of their employees; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Dale County shall be compensated as follows:

(a) Beginning January 1, 1978, the judge of probate shall receive an annual salary of \$25,000.00; and

(b) Beginning July 1, 1977, the tax assessor and tax collector shall each receive annual salaries of \$19,000.00.

Section 2. Each of the above named officers of Dale County is authorized to employ clerical help sufficient to operate his respective office in an efficient and businesslike manner. Temporary supplementary help may be employed by an officer during periods of increased activity in his office. The compensation of persons employed under this section shall be paid by the county governing body from the county general fund. The rate of compensation of any person employed in the offices of the probate judge, tax assessor or tax collector on March 1, 1977, shall not be reduced below the rate of compensation paid to that person on that date so long as the person remains in the same job classification in which he was employed on that date.

Section 3. The salaries set in Section 1 are to be the entire compensation received by any of the above county officers for his services and shall be in lieu of all fees, commis-

sions, allowances, percentages and other charges heretofore paid to any such officer, and shall be paid in equal monthly installments out of the county general fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 554

H. 1298—Cates

AN ACT

Relating to counties having populations of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census, to provide that the county governing body of such county shall be able to pay the cost of making any county employee in any county office that the governing body considers advantageous notaries public for the State at large.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census, the county governing body is hereby authorized and empowered to pay all expenses necessary to make any county employee they designate in any county office a notary public for the State at large, including but not limited to the cost incurred in procuring any notary bond and the seal of their office.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 555

H. 1302—Smith (J)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Taylor, in Houston County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Taylor in Houston County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit: All of sections 19 and 20 in T2N, R26E and also all of sections 29, 30, 31, and 32 T3N, R26E, less and except that portion of sections 29 and 32 T3N, R26E that is included in the City of Dothan, Houston County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 556

1299—Cates

AN ACT

To expressly repeal Act No. 318, 1975 Regular Session (Acts of 1975, P. 1644) and Act No. 327, 1976 Regular Session (Acts of 1976, P. 360 & 361). To further provide that all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees, providing for the deposit of the funds from the pistol permits and for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In all such counties of 22,000 to 22,500 population, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be \$7.00 and shall be collected by the sheriff. Seventy-five (75%) (\$5.25) of the permit fee shall be deposited by the sheriff in any bank located in the county into a fund known as the Sheriff's Fund. Twenty-five (25%) (\$1.75) of the permit fee shall be paid into the

county treasury. The distribution of the funds between the county treasury and the Sheriff's Fund shall be retroactive to August 18, 1976.

Section 2. The Sheriff's Fund provided for in Section 1 of this act shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes only. The sheriff shall keep and maintain records and receipts of all expenditures made from said fund and Sheriff's Fund shall be subject to audit.

Section 3. The establishment of the Sheriff's Law Enforcement Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his office.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 557

H. 1300—Johnson

AN ACT

Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to provide that the members of the board of registrars shall be paid \$20.00 per day for each day they work.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Each member of the board of registrars shall be entitled to compensation from the county in the amount of \$20.00 per day for each day's work. Such compensation shall be paid out of the county general fund and shall be in addition to any compensation of registrars payable under state general law, but shall be in lieu of any other compensation provided by local law or general law of local application based on population.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 558

H. 1301—Dial

AN ACT

Relating to all counties having populations of not less than 10,900 nor more than 11,500 inhabitants according to 1970 or any subsequent federal decennial census; to provide for the compensation and expenses of the members of the boards of education in such counties and to prescribe meeting requirements for such boards.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable in all counties having populations of not less than 10,900 nor more than 11,500 inhabitants according to 1970 or any subsequent federal decennial census.

Section 2. In such counties, the board of education shall meet at least once per month and the members of such boards shall each be entitled to receive compensation from the public school funds of such counties in the amount of \$900 per annum, which shall be payable in equal monthly installments and in lieu of any other compensation heretofore provided by law for such members. In addition thereto, each member of such boards shall receive actual traveling expenses incurred while attending out-of-county meetings of such boards and transacting the business of such boards.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

AN ACT

Relating to all counties having one of their borders on the Tennessee River and having a population of not less than 27,000 nor more than 27,900 inhabitants according to the 1970 or any subsequent federal decennial census, to create the Tennessee Valley Publicity and Improvement Association in said counties and to designate their powers, duties and functions.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having one of their borders on the Tennessee River and having a population of not less than 27,000 nor more than 27,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all counties to which this Act applies there is hereby created the Tennessee Valley Publicity and Improvement Association. The members of the county governing body shall ex officio be the governing body of the Tennessee Valley Publicity and Improvement Association. Members of the county governing body shall serve in the ex officio capacity herein created without any further compensation or expense allowance.

Section 3. The Tennessee Valley Publicity and Improvement Association shall have full and complete powers to do any and all things to promote tourism and travel in the county, to promote industrial development, recreation and any and all things beneficial to the citizens of the county.

The Tennessee Valley Publicity and Improvement Association is specifically authorized and empowered to receive any appropriations, gifts, grants or loans of state, federal or county funds and to expend said funds for any purpose that will in any way be of help and benefit to the citizens of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 560

H. 1316—Callahan

AN ACT

To place the position of Director/Coordinator of the County Civil Defense Authority in all counties having a population of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, under the Personnel Board, to provide exemptions and to establish the minimum range number to be assigned to the Director/Coordinator.

Be It Enacted by the Legislature of Alabama:

Section 1. The position of Director/Coordinator of the County Civil Defense Authority in all counties having a population of not less than 300,000 nor more than 600,000, according to the most recent federal decennial census, shall be under the classified service of the merit system of said county's Personnel Board. The present holder of such position shall continue in office without any interruption of tenure and without having to further qualify for such position after the implementation of this Act.

Section 2. The individual holding the position of Director/Coordinator of the Mobile County Civil Defense Authority shall be assigned, under the classified service of the merit system of such counties referred to in Section 1, a range number greater than or equal to thirty-four (34). The salary of such individual shall be paid in equal monthly payments.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otheswise becoming law.

May 11, 1977.

Time: 6:15 P.M.

Act No. 561

H. 1317—Manley, Pegues

AN ACT

To further regulate the compensation of the sheriff of Marengo County and to repeal all laws or parts of laws which conflict with this act, expressly repealing Act No. 114, H. 5, Third Special Session 1975 (Acts of 1975, Vol. I, p. 343).

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the expiration of the present term, the sheriff of Marengo County shall be paid as total salary eighteen thousand dollars (\$18,000) per annum. Such salary shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund of the county. However, the sheriff shall continue to procure and prepare the food for county prisoners, at no expense to the county, and shall be entitled to retain the allowances payable by the state for such purpose.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed. Act No. 114, H. 5, Third Special Session 1975 (Acts of 1975, Vol. I, p. 343), is hereby expressly repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday of January 1979.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 562

H. 1318—Manley, Clark

AN ACT

Relating to Hale County, to amend Act No. 61, H. 209, Regular Session 1953 (Acts 1953, p. 89), relative to establishing the county governing body for Hale County; so as to provide further for the regular meeting of such body, and providing certain public notice requirements prior to such meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 61, H. 209 Regular Session 1953 (Acts 1953, p. 89) is hereby amended to read as follows:

“Section 3. The board shall hold regular meetings at least twice each month at the county courthouse. Regular meeting dates and times shall be established by a resolution adopted by the board and duly recorded in the minutes of the board. It is further provided that the board shall publish at least one public notice of such regular meeting dates and times in a newspaper having county-wide circulation prior to the

first regular meeting of the board after any change. Any changes in regular meeting dates must likewise be adopted, recorded, and published by the board as herein provided. At such meetings, the business of the county shall be taken up, considered and transacted in due order, and the meeting may be adjourned to a day certain. The chairman of the board and two members of the board, or, in the absence of the chairman, three members of the board shall constitute a quorum for the transaction of business."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 563

H. 1320—McCluskey

AN ACT

To promote the maintenance of Talladega County's natural beauty, by eliminating unsightly and unhealthy litter; to provide for the dissemination in Talladega County of information pertaining to laws relative to littering and penalties therefor, and of pleas to the public to heed such laws and to help to eliminate litter in such county; and to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified.

Be It Enacted by the Legislature of Alabama:

Section 1. The Talladega County Commission or other like county governing body is hereby authorized to provide for printing and furnishing to the judge of probate or other officer charged with the duty of issuing privilege licenses in the county, brochures, bulletins or signs of a type suitable for posting in business establishments within said county. Such brochures, bulletins or signs shall inform the public that:

1. It is unlawful to dump, deposit, place, throw or leave refuse, paper, litter, rubbish, debris, filthy or odoriferous objects, substances, or other trash upon a state or county highway, road or other public thoroughfare; and any person convicted thereof is punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not less than five nor more than thirty days, or by both such fine and imprisonment.

2. It is unlawful to place, put, throw, leave, or dump garbage, refuse, trash, bottles, broken glass, tin cans, or other

debris of any kind or character whatsoever upon lands or property owned by any person other than himself or his employer without having obtained written permission from the owner or person in possession thereof; and any person convicted thereof shall be fined not more than five hundred dollars or sentenced to hard labor for the county for not more than six months or both, in the discretion of the court.

3. It is unlawful in Talladega County to place, put, throw, leave, or dump garbage, refuse, trash, bottles, broken glass, tin cans, or other debris of any kind or character whatsoever upon the shore or beach or edge of any public or private lake or river or stream in Talladega County; and any person convicted thereof shall be fined not more than five hundred dollars or sentenced to hard labor for the county for not more than six months or both, in the discretion of the court, and ordered to clean the beach, shore or other area.

The Talladega County Commission or other county governing body, in its discretion, may provide for the printing of such brochures, bulletins or other signs listing all three of the above-named offenses on one brochure, bulletin or sign or may provide for the printing of separate brochures, bulletins or signs on which each of the above offenses is separately listed.

Section 2. The judge of probate or other officer charged with the duty of issuing privilege licenses in Talladega County shall deliver with the privilege licenses that he issues, a copy of such brochures, bulletins or signs for each place of business for which a license is issued, and a request that such brochure, bulletin or sign be posted in a conspicuous place in the place of business for which the license or licenses are issued and an urgent plea to the public to heed such laws and make every effort to maintain Talladega County's natural beauty by eliminating unsightly and unhealthy litter.

Section 3. Mail or other personal items bearing the name or address of the recipient or former owner thereof found among refuse, garbage, waste paper, trash, litter or other debris unlawfully placed, thrown, left or dumped within Talladega County shall constitute prima facie evidence that the person whose name or address appears on said mail or other personal item unlawfully placed, put, thrown, left, dumped or deposited said refuse, garbage, waste paper, trash, litter or other debris.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental.

It shall be construed in pari materia with other laws relative to littering; however, any law which conflicts specifically herewith is hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 564

H. 1321—Warren, McCorquodale
AN ACT

Relating to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any subsequent federal decennial census; to allow the county governing body and the governing body of each municipality in the county to contribute public funds to a volunteer rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 20,500 nor more than 21,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of counties to which this act applies and the governing body of any municipality within any county to which this act applies is hereby authorized to appropriate or expend public funds for the purpose of providing contributions for the use of any organized and established volunteer rescue squad operating within the county. After the county or municipal governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payment shall be made from any funds in the county or city treasury not otherwise appropriated upon the warrant of the chairman or mayor of the county or municipal governing body.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15P.M.

Act No. 565

H. 1322—Clark, Manley

AN ACT

Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; providing for an additional clerk hire allowance for the office of judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of any county to which this act applies is authorized to provide an additional clerk hire allowance of \$4,000 annually to the judge of probate to be used for clerical assistance in the office of judge of probate. The clerk hire allowance shall be payable out of the general fund of the county and shall be in addition to any and all other allowance for clerical assistance now provided.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 566

H. 1323—Clark, Manley

AN ACT

Relating to all counties having populations of 10,660 or less inhabitants according to the 1970 or any subsequent federal decennial census; to provide for an additional clerk-hire allowance for the tax assessor in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of 10,660 or less inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the court of county commissioners or other like county governing body is authorized and directed to pay from the county general fund to the tax assessor of said county five hundred dollars (\$500) per month as a clerk-hire allowance. This allowance shall be in addition to the salaries and other allowances prescribed by law. Such allowance shall terminate on the third Monday in January 1979.

Section 3. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 567

H. 1324—Crawford, Whatley, Sasser
AN ACT

To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1: The boundary lines and corporate limits of the Municipality of Eufaula, in Barbour County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of said Municipality, in addition to the lands now included, all of the following territory, to-wit:

Starting at a point 500 feet South of the Centerline of the Clayton Highway on the West line of Section 18, T-10-N, R-29-E, a "corner" in the present City Limits, also being the Point of Beginning, go Southerly along said West line of Section 18 to the South line of Willow Oaks, a subdivision, as recorded in Map Book 2 page 54; thence Westerly along the South line Willow Oaks to the Southwest corner thereof; thence Northerly and then Northeasterly along the West line of Willow Oaks to the South line of the 2nd Addition to the Resubdivision of Cassandra Subdivision as recorded in Map Book 2, page 16; thence continue Northeasterly and then Northwesterly along said South line of Cassandra Subdivision and a projection thereof to the centerline of the Old Bakerhill Road; thence Northeasterly along the centerline of the Old Bakerhill Road to a point 500 ft. South of the centerline of the Old Bakerhill Road to a point 500 ft. South of the centerline of the Clayton Highway; thence Easterly along a line 500 ft. South of and parallel to the centerline of the Clayton Highway to the POB.

It is the intention of this description to include all those portions of Cassandra Subdivision and Willow Oaks, a subdivision, not presently within the limits of the City of Eufaula.

SECTION II: All laws or parts of laws which conflict with this Act are hereby repealed.

SECTION III: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 568

H. 1333—Brindley

AN ACT

To provide that the investigators of the district attorney of the thirtieth Judicial Circuit shall have arrest powers in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The lawfully appointed investigators of the district attorney for the thirtieth Judicial Circuit shall have the same arrest authority and powers vested in deputy sheriffs of Blount County while such investigators are performing authorized duties within Blount County. Provided, however, that the sheriff of Blount County, upon three days notice to the district attorney of said Circuit, may suspend such powers for any reason and for any period of time he deems appropriate.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 569

H. 1335—Pegues

AN ACT

Relating to Perry County; to provide for the compensation of circuit court bailiffs in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Perry County is hereby authorized and directed to pay to each bailiff appointed by a circuit judge in such county, a salary of twenty dollars (\$20.00) per day for each working day. Such compensation shall be payable from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 570

H. 1336—Pegues

AN ACT

To amend further Section 1 of Act No. 348, H. 868, Regular Session (Acts 1969, p. 720), entitled "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," so as to increase the amount of said allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 348, H. 868, 1969 Regular Session (Acts 1969, p. 720), entitled "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Tax Collector and the Tax Assessor of Perry County, Alabama," is hereby further amended to read as follows:

"Section 1. The Tax Assessor and the Tax Collector of Perry County may each appoint a clerk to assist in the performance of the duties of his office. Each clerk so appointed shall be entitled to receive a salary not to exceed \$6,000 per annum. The allowance shall be paid from the general funds of the county in such manner as the governing body of the county may direct."

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 571

H. 1337—Pegues

AN ACT

To amend further Section 1 of Act No. 349, H. 869, 1969 Regular Session (Acts 1969, p. 721), entitled "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Circuit Court Clerk of Perry County, Alabama," so as to increase the amount of said allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 349, H. 869, 1969 Regular Session of the Alabama Legislature (Acts 1969, p. 721), entitled "An Act Relating to Perry County; to provide an allowance for clerk hire and expenses for the Circuit Court Clerk of Perry County, Alabama," is hereby further amended to read as follows:

"Section 1. The Circuit Court Clerk of Perry County may appoint a clerk to assist in the performance of the duties of the office of the Circuit Court Clerk. The clerk so appointed shall be entitled to receive a salary not to exceed \$6,000 per annum. The allowance shall be paid from the general funds of the county in such manner as the governing body of the county may direct."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 572

H. 1338—Pegues

AN ACT

Relating to Perry County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the disposition and use of such fee.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County the fee for issuance of a per-

mit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Title 14, Section 177, shall be ten dollars, which shall be collected by the sheriff. Four dollars of each fee collected under this act shall be paid into the county treasury and the remaining six dollars of each fee shall be deposited by the sheriff into any bank in the county, into a fund as the sheriff's pistol permit fund, and shall be drawn upon by the sheriff or his appointed agent and shall be used exclusively for law enforcement purposes and in the charge of the sheriff's office as he sees fit.

Section 2. The establishment of the pistol permit fund provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office.

Section 3. The monies for pistol permit fees heretofore collected and credited to any special fund or account in the county treasury under the authority of any local or general law shall be returned to the sheriff of Perry County to be deposited and disbursed as provided in Section 1 of this act.

Section 4. The sheriff shall keep and maintain records of all expenditures made from such pistol permit funds established pursuant to this act and said fund and sheriff's expenditures shall be subject to audit upon resolution of the county governing body, or as otherwise provided by law.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 573

H. 1340—Taylor

AN ACT

Relating to counties having populations of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census; to provide a secretary for circuit judges to be appointed

by the presiding judge at a salary not to exceed \$10,000 to be set by the presiding judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to any county having a population of not less than 90,000 nor more than 100,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of such counties is hereby given the authority to permit the presiding judge of the circuit judges in such county to appoint a secretary for such judges and shall set the salary of said secretary not to exceed \$10,000, to be paid from county funds.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 574

H. 1358—Mitchem

AN ACT

Relating to the municipality of Town of Lakeview, in DeKalb County, to alter, re-arrange and extend the boundaries of the Town of Lakeview.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Town of Lakeview, in DeKalb County, Alabama are hereby, altered re-arranged and extended to include within the corporate limits of the Town of Lakeview the following described territory:

East one-half of the southeast quarter, and the southeast quarter of northeast quarter of Section 10, Township 7, South of Range 6 east.

Southwest quarter of northwest quarter and west one-half of the southwest quarter of Section 11, Township 7 South of Range 6 east.

Northeast quarter of northwest quarter and the west one-quarter of Section 14, Township 7 South, Range 6 east.

East one-quarter, and the southwest quarter of the southeast quarter of Section 15, Township 7 south of Range 6 east.

East one-half, and the southeast quarter of the southwest quarter of Section 22, Township 7 South, Range 6 east. All of Section 23, Township 7 South of Range 6 east. South one-half of the southwest quarter of Section 24, Township 7 south of Range 6 east.

Northwest quarter, and the northwest quarter of the southwest quarter of Section 25, Township 7 south of Range 6 east.

All of Section 26, Township 7 south of Range 6 east. Northeast quarter, and the north one-half of the southeast quarter, and the southeast quarter of the southeast quarter of Section 27, Township 7 south of Range 6 east.

Northeast quarter of southeast quarter of Section 34, Township 7 south of Range 6 east.

West one-half of the northwest quarter and the northeast quarter of the northwest quarter of Section 35, Township 7 south of Range 6 east.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 575

H. 1359—Callahan

AN ACT

To levy a 1¼ mil ad valorem tax on all real and personal property in Mobile County, to provide that the proceeds of said tax shall be used to increase the salaries of all municipal and county law enforcement officers within Mobile County, and to provide for a procedure for the distribution of these funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied a 1¼ mil ad valorem tax in Mobile County on all real and personal property that is subject to such tax under the laws of this state. This levy is made in accordance with, and in furtherance of, the Constitutional amendment passed by the voters of Mobile County following the regular session of 1977.

Section 2. The proceeds from the tax created in Section 1 shall be used to increase the salaries of municipal and county law enforcement officers in Mobile County.

Section 3. The Tax Assessor of the county shall assess the tax hereinabove provided for and the Tax Collector of the county shall collect the tax in the same method and manner that other taxes are collected, and the funds shall be distributed, for the purpose set out in Section 2, as follows:

24% (percent) to the Mobile County Governing Body.

56% (percent) to the Municipal Governing Body of the City of Mobile.

10% (percent) to the Municipal Governing Body of the City of Prichard.

3% (percent) to the Municipal Governing Body of the City of Chickasaw.

3% (percent) to the Municipal Governing Body of the City of Saraland.

0.5% (percent) to the Municipal Governing Body of Bayou La Batre.

1% (percent) to the Municipal Governing Body of Citronelle.

1% (percent) to the Municipal Governing Body of Satsuma.

1% (percent) to the Municipal Governing Body of the City of Mt. Vernon.

0.5% (percent) to the Municipal Governing Body of Wilmer.

Section 4. The provisions of this act are severable if any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 11, 1977.

Time: 6:15 P.M.

Act No. 576

S. 2—Owen

AN ACT

To provide that all liquefied petroleum gas which is purchased

from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent and prescribes penalties for the violation of the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. All liquefied petroleum gas which is purchased from gas fields in Alabama shall be either metered or weighed and an invoice showing the amount of gas purchased shall be given to the purchaser or his agent.

Section 2. Any person who violates any provision of this act shall be guilty of a misdemeanor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 577

S. 285—Mims

AN ACT

To amend Sections 32 and 33 of Title 18 of the Code of Alabama 1940, as amended, relating to electric cooperatives, so as to provide that such cooperatives may process, treat, sell and dispose of water and water rights; purchase, sell, lease, construct, own and operate water systems and sanitary sewer systems, supply water and sanitary sewer services, to exercise the power of eminent domain, to issue notes, bonds, mortgages and other evidences of indebtedness to finance such undertakings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32 of Title 18 of the Code of Alabama 1940, as amended, is hereby amended to read as follows:

“Section 32. Organization of cooperatives; purpose — Cooperative, non-profit, membership corporations may be organized under this chapter for the purpose of supplying electric energy and promoting and extending the use thereof and for the additional purpose of promoting and extending the use of water and water systems and sanitary sewer systems.

Cooperatives heretofore organized under this chapter may, in addition to the purposes for which they were organized, engage in the promotion and extension of the use of water and water systems and sanitary sewer systems.”

Section 2. Section 33 of Title 18 of the Code of Alabama 1940, as amended, is hereby amended to read as follows:

"Section 33. Enumeration of powers of cooperatives. — A cooperative shall have power: To sue and be sued in its corporate name; to have perpetual existence; to adopt a corporate seal and to alter the same at pleasure; to generate, manufacture, purchase, acquire, and transmit electric energy, to distribute, sell, supply and dispose of electric energy to its members, to governmental agencies and political subdivisions and to persons not in excess of ten percent of the number of its members; provided, however, that should a cooperative acquire any electric facilities dedicated or devoted to the public use it may, for the purpose of continuing service and avoiding hardship and to an extent which together with all other persons served by the cooperative on a non-member basis shall not exceed forty percent of the total number of persons served by the cooperative, continue to serve the persons served directly from such facilities at the time of such acquisition without requiring that such persons become members, and provided further that such non-members shall have the right to become members upon non-discriminatory terms; to process, treat, sell and dispose of water and water rights; to purchase, construct, own and operate water systems; to own and operate sanitary sewer systems; and to supply water and sanitary sewer services; to make loans to persons to whom electric energy, water or sanitary sewer services is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, wiring their premises and installing therein electric, water and sanitary sewer and plumbing fixtures, appliances, apparatus, and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electric, water, sanitary sewer and plumbing fixtures, appliances, apparatus, and equipment, and to accept or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds, and other evidences of indebtedness and any and all types of security therefor; to make loans to persons to whom electric energy, water and sanitary sewer service is or will be supplied by the cooperative and for the purpose of, and otherwise to assist such persons in, constructing, maintaining, and operating electric refrigeration plants; to become a member in one or more other cooperatives or corporations or to own stock therein; to construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, electric refrigeration plants, water lines, sanitary sewer lines, water systems and sanitary sewer systems, lands, buildings, structures, dams, plants and equipment, and any and all kinds and classes of real or per-

sonal property whatsoever, which shall be deemed necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized, or in which it subsequently lawfully engages; to purchase or otherwise acquire, and to own, hold, use, and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights of way, and easements; to borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness therefor, and to secure the payment thereof by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then-owned or after-acquired real or personal property, assets, franchises, revenues, or income; to make any and all contracts necessary or convenient for the full exercise of the powers in this chapter granted, including, but not limited to, contracts with any person, federal agency, or municipality, for the purchase or sale of electric energy, water, water and sanitary sewer services, and in connection with any such contract to stipulate and agree to such covenants, terms and conditions as the board of trustees may deem appropriate, including covenants, terms, and conditions with respect to resale rates, financial and accounting methods, services, operation and maintenance practices, and, consistent with section 50 of this title, the manner of disposing of the revenues of the properties operated and maintained by the cooperatives; to construct, maintain, and operate electric transmission and distribution lines, water lines and sewer lines, along, upon, under, and across all public thoroughfares, including without limitation all roads, highways, streets, alleys, bridges, and causeways, and upon, under, and across all publicly-owned lands; provided however, that the respective authorities having jurisdiction thereof shall consent thereto; to exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems; and in the construction and operation of water systems and sanitary sewer systems to exercise the power of eminent domain in the manner provided in Title 19, Code of Alabama 1940, as amended, except that such power of eminent domain shall not extend to land previously dedicated to public use; to conduct its business and exercise any or all of its powers within or without this state; to adopt, amend, and repeal by-laws; and to do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized or in which it subsequently lawfully engages."

Section 3. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional such declaration shall not affect the remainder.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 578

S. 544—Goodwin, Noonan, Miller, Teague,
Vacca

AN ACT

To amend Code of Alabama, 1940, Title 35, Sections 186 and 187, relating to the Armory Commission, so as to extend the succession of its corporate name from thirty years to as long as there exists in the State of Alabama a National Guard or Militia of Alabama and provide that the members of the commission shall serve for a term of six (6) years.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 186 and 187 of Title 35, Code of Alabama 1940, is hereby amended to read as follows:

“Section 186. Organization of armory commission. The governor of Alabama, the adjutant general of Alabama, the attorney general of Alabama, the three highest ranking line officers on the active lists of the Alabama national guard, together with three duly qualified electors of Alabama, to be appointed by the governor and to serve for a term of six (6) years, shall constitute the armory commission of Alabama. The governor shall be its chairman. The three members of the commission who were appointed by the governor and who are serving on the date of this amendatory act shall serve for a term of six (6) years from the date of their appointment and their successor shall be appointed for a term of six (6) years.

“Section 187. Armory Commission, a corporate body The commission above named may, by filing with the Secretary of the State of Alabama, become a public body and a body corporate when the members of the commission shall present to the Secretary of State of the State of Alabama an application signed by them which shall set forth the name, official designation and official residence of each of the members of said commission, together with a copy of the appointment by the governor evidencing their right to hold office, the date and place of induction into and the taking of the oath of office,

and that they desire the commission to become a body corporate and politic under this chapter, the name which is proposed for the corporation; the location of the principal office of the proposed corporation and any other matters relating to the incorporation which the members may choose to insert not inconsistent with the constitution and laws of the State of Alabama. The application shall be subscribed and sworn to by each of said members, except the governor, before an officer authorized by the laws of the State of Alabama to take and certify oaths, who shall certify upon the application that he or she personally knows the members and believes them to be the officers as asserted in the application and that each subscribed and swore thereto in the presence of the officer. Thereupon the Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in his office and when said application has been made, filed and recorded as herein provided, the said Armory Commission of Alabama shall constitute a corporation under the name proposed in the application and the Secretary of State of the State of Alabama shall make and issue said members a certificate of incorporation pursuant to this chapter under the seal of the state and shall record the same with the application. The corporation shall have succession by its corporate name for as long as there exists in the State of Alabama, a National Guard or Militia of Alabama and thereafter until all its liabilities have been finally paid and discharged."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 579

S. 568—Fine

AN ACT

Relating to the thirty-fourth judicial circuit, authorizing the clerk of the circuit court to appoint a full-time clerk, and providing that the said clerk's salary shall be payable from the county composing the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the circuit court of the thirty-fourth judicial circuit is hereby authorized to hire a full-time clerk to assist him in the performance of his duties. Said clerk shall begin his employment no sooner than August 1, 1977 and shall be paid no less than \$400.00 per month, payable in monthly installments from the general fund of the county comprising said circuit.

Section 2. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act shall become effective August 1, 1977.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 580

S. 634—McDonald (A), Mims

AN ACT

To amend Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151), "an Act to regulate the sale, offering for sale, distribution and transportation of pesticides by prescribing certain conditions and requirements therefor" etc., by amending Sections 3, 6, and 9 of said Act to make it unlawful for a person to use any pesticide in a manner inconsistent with its label, and to omit the provisions of Section 6(3) and Section 9(4) that certain users of pesticides are exempt from the requirements of this Act relating to pesticide use permits for use of a restricted use pesticide.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971 (Acts of 1971, Vol. IV, p. 3151) relating to prohibited or unlawful acts for the distribution, sale, offering for sale or keeping for sale, delivery or transportation of pesticides in intrastate commerce is hereby amended so as to read as follows:

"Section 3. Prohibited Acts. — (1) It shall be unlawful for any person to distribute, sell, offer for sale or keep for sale within the State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

(A) Any pesticide or device which has not been registered pursuant to the provisions of Section 4 of this Act, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with the registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration. Provided, that, in the discretion of the Commissioner, a change in the labeling of a pesticide may be made within a registration period without requiring re-registration of the pesticide.

(B) Any pesticide or device unless it is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing: (a) the name and address of the manufacturer, registrant, or person for whom manufactured; (b) the name, brand, or trade mark under which said article is sold; (c) the net weight or measure of the content subject, however, to such reasonable variations as the Commissioner may permit; and (d) any other mandatory labeling requirements.

(C) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined by the Commissioner as provided in Section 5(5) of this Act, unless the label shall bear, in addition to any other matter required by this Act:

- (a) the skull and crossbones;
- (b) the word "Poison" prominently, in red, on a background of distinctly contrasting color; and
- (c) a statement of an antidote for the pesticide.

(D) The pesticide commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium flouride, sodium fluosilicate; and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder pesticide which the Commissioner, after investigation of and after public hearing on the necessity of such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored.

(E) Any pesticide which is adulterated, contaminated or misbranded, or any device which is misbranded.

(2) It shall be unlawful—

(A) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or regulations promulgated hereunder, or to add any substance to, or take any substance from a pesticide in a manner that may defeat the purpose of this Act.

(B) For any person to use to his own advantage or to reveal, other than to the Commissioner or proper officials or employees of the State or to the courts of this State in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas or products acquired by authority of Section 4 of this Act.

(C) To disseminate any false advertisement.

(D) To hold or offer for sale, sell or distribute to the user any restricted use pesticide or device without a license and unless the person to whom sale is made for use thereof, or his agent, to whom delivery is made holds a valid restricted pesticide use permit issued by the Commissioner.

(E) To purchase, use or possess a restricted use pesticide without a pesticide use permit.

(F) To purchase, use or dispose of a restricted use pesticide or its container in a manner other than that stated on the purchase or use permit or in the labeling or to use any pesticide in a manner inconsistent with its label or any other written, printed, or graphic matter accompanying the pesticide or device at any time; or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United State Departments of Agriculture and Interior, the Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

(G) To hold or offer for sale, sell or distribute any pesticides where it has been determined that the use of the pesticide under Section 5(5) of this Act is dangerous or harmful to humans, animals or the general environment and registration thereof has been refused or cancelled.

(H) To offer for sale, sell, purchase or transport any pesticide in any quantity, bulk or otherwise, in any container which fails to meet the specifications determined and established by the Commissioner pursuant to regulations approved by the State Board of Agriculture and Industries. Such rules and regu-

lations with respect to the movement or transportation of any pesticide shall be consistent with rules, regulations or other requirements of the Federal Department of Transportation, Interstate Commerce Commission or other federal agency or department."

Section 2. Section 6 of said Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971, is hereby amended so as to read as follows:

"Section 6. Pesticide Use Permits.—(1) Each person shall obtain a pesticide use permit from the Commissioner before such person is eligible to purchase and use a restricted use pesticide. Application forms for such permits shall be furnished by the Commissioner and the permit shall be valid and effective for a period of time to be established by rules and regulations of the State Board of Agriculture and Industries unless sooner revoked by the Commissioner for cause as specified in rules and regulations promulgated by the Commissioner with approval of the State Board of Agriculture and Industries. The pesticide use permit shall include a list of the names and other information adequately identifying the restricted use pesticide or pesticides which the pesticide use permit holder is authorized to purchase and use.

(2) Before any person is authorized to purchase and use restricted use pesticides for application or use thereof, such person shall meet certain qualifications to be prescribed pursuant to rules and regulations of the Commissioner approved by the State Board of Agriculture and Industries. Such regulations shall be designed to satisfy the requirements of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, and to determine whether the user or applicator of restricted use pesticide can use and apply such products in a manner that will not endanger or be injurious to human health and non-target animals, wildlife, vegetation, crops, and water or be detrimental to the general environment; and whether such user is familiar with methods of safe storage, handling, use, applications and disposal of such pesticides and pesticide containers so as to avoid hazardous effects that may result from any improper use, handling or application of such products.

Section 3. Section 9 of said Act No. 1949, H. 894, Legislature of 1971 (Regular Session), approved September 20, 1971, is hereby amended so as to read as follows:

"Section 9. Exemptions.—(1) The provisions and requirements of this Act shall not apply to:

(A) Any carrier while lawfully engaged in transporting a pesticide within this state, if such carrier shall, upon request,

permit the Commissioner or his designated agent to copy all records showing the transactions in and movement of the articles; any bona fide public or private research institution or agency;

(B) The manufacturer or shipper of a pesticide for bona fide experimental use only; provided, the manufacturer or shipper obtains a permit from the Commissioner for such use which will be conducted under supervision of a qualified person and other conditions and requirements prescribed by rules and regulations adopted for this purpose which shall require the quantity of pesticides to be used, location of use, crops or other objects of use, results of findings and other information deemed to be necessary for protection of the public.

(2) No article shall be deemed in violation of this Act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser.

(3) Notwithstanding any other provision of this Act, registration and labeling is not required in the case of a pesticide stored or shipped from one manufacturing plant within this State to another manufacturing plant within this State operated by the same person or from one manufacturer to another manufacturer, provided they are properly labeled whenever poison labels are required under Section 3(1)C of this Act.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 581

S. 641—Owen

AN ACT

Relating to Baldwin County; providing for a more convenient and economical system of serving notices to delinquent taxpayers.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Baldwin County.

Section 2. After the first day of January the tax collector must make a personal demand in writing upon delinquent

taxpayers, or their agents charged with duty of paying their taxes, whenever they may be found, for the amount of their taxes and fees. It shall be the duty of such delinquents forthwith to pay the taxes and fees assessed or charged against them. But failure to comply with the requirements of this act shall not invalidate the title to any property sold for taxes.

Section 3. As soon as practicable after receiving from the tax collector the book containing the list of delinquent taxes as prepared and filed by the tax collector as required by Title 51, Sections 250 and 251, Code of Alabama (1940), the Judge of Probate shall give notice to all persons against whom any unpaid taxes are assessed, as shown by such book, by publication once a week for two successive weeks in any newspaper published in said County. Such notice shall contain the names in alphabetical order, of all the delinquent taxpayers and the amount of taxes, fees and costs due and unpaid by each of them, however, such notice need not show the ward or precinct in which such property is assessed nor otherwise describe the property against which such taxes were assessed except those properties assessed to an "Owner Unknown", which publications shall contain a description of the property. The notice shall be in substantially the following form:

"The State of Alabama, Baldwin County.

"To Whom It May Concern:

"Take notice that the Tax Collector has filed in my office a list of delinquent taxpayers, and the real estate upon which taxes are due. On such list it appears that taxes on certain real estate assessed to the following named parties in the amounts shown opposite each name are delinquent:

"(Here insert names of delinquent taxpayers and amounts due by each.)

"This is to notify each of you whose names appear above, to appear before the Probate Court of this County, at the next term thereof, commencing on Monday, the day of , 19 , then and there to show cause, if any you have, why a decree of sale of said real estate should not be made for the payment of the taxes, fees and cost assessed upon said real estate.

"(Here Probate Judge's Signature), Judge of Probate."

For serving such notice the probate judge shall collect a fee of twenty-five cents for each name of a delinquent taxpayer include in each notice advertised, except that when the property described and assessed to an "Owner Unknown" such advertising cost as now prescribed by law, such fee and advertising cost to be collected in the same manner that other fees and costs relative

to delinquent taxes are collected, and no other fee shall be charged or collected for the service of such notice. The county commission shall pay for all advertising costs within 30 days after said costs are incurred and all fees and costs collected from taxpayers shall be paid into the general fund of Baldwin County.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 582

S. 713—St. John

AN ACT

Relating to Cullman County: to protect and preserve water purification and prevent water contamination by prohibiting strip mining of coal or other minerals in certain areas contiguous to Lewis Smith Lake in Cullman County; to prescribe penalties and sanctions for violations; and generally to promote the health and welfare of the inhabitants of Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Cullman County.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the health and welfare and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining of coal or of other minerals in the following area contiguous to Lewis Smith Lake: the area bounded by the meandering line determined by following the contour established by the spillway elevation and the meandering line a distance of 1,000 feet away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates the provisions of this

act shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$500.00 or more than \$1,000.00 for each day on which surface mining is conducted in violation of this act. Upon application by the Attorney General, the Cullman County District Attorney or any citizen of the State of Alabama, the Circuit Court of Cullman County shall immediately enjoin the operation of any surface mine found to be in violation of this act and shall order the complete restoration of all lands illegally mined within the above described setback.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 583

S. 740—Owen

AN ACT

To allow prospective jurors in capital cases to be excused without the presence of the defendant in the twenty-eighth judicial circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the circuit court in the twenty-eighth judicial circuit of Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now in force and effect.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 584

S. 802—Stewart

AN ACT

Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to provide for the appointment of deputy sheriffs, clerks, jailers and cooks and to fix their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The sheriff of any such county shall employ not less than twenty deputies, three clerks, seven jailers and two cooks. Each employee shall receive a salary according to the pay scale approved by the county civil service board, payable from the general fund of the county. Such employees shall, in addition receive across-the-board, standard or percentage pay raises uniformly granted to other county employees.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 585

S. 803—Baker

AN ACT

Relating to DeKalb County; to authorize the DeKalb County gov-

erning body and municipal governing bodies within DeKalb County to regulate the use of explosives for surface mining activities within their respective police jurisdictions.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the finding of the Alabama legislature that the use of explosives in connection with surface mining creates special nuisance problems in heavily populated, mountainous rural areas where large numbers of Alabamians make their homes and where preservation of natural scenic beauty is essential to the economy and the health, safety and well-being of the population of such areas. DeKalb County is one of such areas. Local governing bodies within DeKalb County can best deal with the problem arising from the use of explosives in surface mining operations which occur in the respective police jurisdictions.

Section 2. The DeKalb County governing body and the municipal governing bodies within DeKalb County may, and are hereby authorized to, regulate the use of explosives in surface mining activities within their respective police jurisdictions. In the event a provision of municipal or county regulations of explosives is found to be in conflict with a provision of state regulations of explosives, the more restrictive provision shall apply.

Section 3. County-wide regulations of the use of explosives in surface mining operations shall not preempt municipal regulations of explosives used in surface mining operations that occur in the municipal police jurisdiction. The person using explosives must meet the requirements of the county and municipal regulations in this area of joint jurisdiction. In the event a provision of municipal regulations of explosives is found to be in conflict with a provision of county regulations, the more restrictive provision shall apply.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 586

S. 826—Baker

AN ACT

To provide a procedure for altering or rearranging the boundary lines of the Town of Henager, DeKalb County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto in DeKalb County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the Town of Henager, DeKalb County, Alabama.

Section 2. If approved in an annexation referendum election in which only those persons living within the new territory to be annexed shall be eligible to vote, the boundary lines of the Town of Henager, DeKalb County, Alabama shall be altered or rearranged to include the territory now within the corporate limits and also certain other territory contiguous thereto, as follows:

A tract of land bounded as follows: On the Northwest by the Jackson County line; on the North by DeKalb County Road 134 thence running East from the Jackson County line to Alabama Highway 75; on the East by the line beginning from Alabama Highway 75 South along the East line of Section 21, Township 4 South, Range 9 East and thence continuing along the East line of Section 28 to the Southeast corner of said Section 28, Township 4 South of Range 9 East; thence running westerly along the South line of said Section 28 to the Southwest corner of said Section 28; thence running South on the East line of Section 32, Township 4 South of Range 9 East and continuing South along the East section lines of Sections 5, 8 and 17 of Township 5 South of Range 9 East to the Southeast corner of said Section 17; thence along the South section lines of Sections 17 and 18 of Township 5 South of Range 9 East and continuing on the South section lines of Sections 13, 14 and 15 of Township 5 South of Range 8 East to the Southwest corner of said Section 15; thence running North along the West section line of Sections 15 and 10 of said Township and Range to the Jackson County line; thence running Northeasterly along the Jackson County line to its intersection with DeKalb County road number 134.

All the land described and lying within those boundaries shall be within the city limits of the Town of Henager if approved in an annexation referendum election as provided for in this act.

Section 3. No later than 30 days after this act becomes effective, the City Clerk of Henager shall give notice of the

holding of such referendum election in some newspaper published within said Town or DeKalb County, one publication thereof for at least seven days being sufficient; which notice shall state the day on which such referendum is to be held, describing the territory proposed to be annexed and stating that a map of such territory is on file in the office of the Judge of Probate of DeKalb County. Within 15 days of such referendum, said clerk shall prepare and in like manner publish notice of voting lists for three voting boxes to be located within such territory as follows:

a. The first voting box to be located at Concord Church where those persons living South of State Highway 40 within the territory to be annexed shall vote.

b. The second voting box to be located at the Church at Pea Ridge Crossroads where those persons living East of State Highway 75 and North of State Highway 40 within the territory to be annexed shall vote.

c. The third voting box to be located at Bowen's Dairy Dip where those persons living West of State Highway 75 and North of State Highway 40 within the territory to be annexed shall vote.

Section 4. Said referendum election shall be conducted in all respects as provided by the general election laws and under the same sanctions and penalties, except as changed by the provisions of this act. The following words shall be written or printed on the ballot; "For annexation to the corporate limits" and "Against annexation to the corporate limits." The City Clerk shall appoint the inspectors, clerks and a returning officer to hold said election. When all returns from said election have been counted, said clerk shall enter an order on the record of the probate court adjudging and decreeing the results of the election. Provided, however, that if such annexation fails to carry in any one of the three boxes herein provided for, then, such annexation shall not be effective for the territory represented by such box but shall be effective in the other territories represented by boxes voting favorably thereon.

Section 5. The results of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of mayor, making the city the contestee.

Section 6. The Town of Henager shall pay all costs and expenses incident to such election.

Section 7. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 587

S. 827—Baker

AN ACT

Relating to DeKalb County; further regulating the salary of the members of the board of equalization, the board of registrars and the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of equalization, the board of registrars and the jury commission of DeKalb County shall be entitled to receive a salary supplement from the funds of the county in an amount sufficient to make their total compensation from the state and county equal to not less than \$25.00 per day for each day's attendance of the sessions of such board or commission. Such supplemental salary shall be in lieu of all other supplements heretofore provided for by law and shall be payable out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act shall become effective upon the implementation of Act No. 566, 1976 Regular Session, (Acts of 1976, p. 775).

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 588

S. 838—McDonald (S)

AN ACT

Relating to Marshall County; to provide for the number, classifica-

tion and compensation of employees of the office of the sheriff of Marshall County, and the manner of payment of said compensation; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 985, 1975 Regular Session (Acts 1975, p. 2014).

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County is authorized to appoint the following employees, and no others, whose actual compensation shall be determined by him and paid by the county governing body from the county treasury each month in an amount not more than that listed below for each respective class of employees:

Number of Employees Authorized	Position	Maximum Individual Compensation
1	Chief Deputy	\$ 975.00 monthly
1	Chief Investigator	950.00 monthly
1	Clerk IV (Chief Clerk)	750.00 monthly
1	Chief Jailor	725.00 monthly
2	Assistant Investigators	825.00 monthly
2	Clerks	500.00 monthly
4	Jailors	525.00 monthly
1	NCIC Operator	700.00 monthly
1	Typist (work-study program)	150.00 monthly
1	Matron	federal minimum wage hourly

Number of Employees Authorized	Position	Maximum Individual Compensation
16	Deputies	
	less than 1 year experience	\$ 700.00 monthly
	1-2 years experience	725.00 monthly
	2-4 years experience	750.00 monthly
	4-6 years experience	775.00 monthly
	6-8 years experience	800.00 monthly
	8-12 years experience	825.00 monthly

The compensation of employees of the sheriff's office shall be preferred claims against the general funds of the county and shall be paid on warrants drawn in the manner prescribed by law.

Section 2. The sheriff of Marshall County shall be entitled to receive the allowance provided for by Code of Alabama 1940, Title 45, Sections 144 and 145, as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each month the sheriff of said county shall furnish to the governing body of the county, and to the state department of finance and to

the state department of corrections, an itemized statement, verified by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 3. Act No. 985, S. 1221, 1975 Regular Session (Acts 1975, p. 2014) is repealed. All other laws or parts of laws in conflict with the provisions hereof are repealed insofar as they relate to Marshall County.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 589

S. 842—Stewart

AN ACT

Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to designate one-half of the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this Act applies, there shall be designated one-half the pistol permit fees to be paid into the general fund of the county treasury to be used by the sheriff at his discretion relative to such office.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1977.

Time: 3:00 P.M.

Act No. 590

H. 698—Cooper, Reed, Warren, Holmes (A),
Killian, Campbell, Whatley,
McMillan, Glass, Callahan,
Pegues, McCulley, Porter,
Waggoner, Coburn, Gafford,
Shelton, Lewis, Smith (C),
Holmes (D)

AN ACT

To appropriate monies from the Alabama Special Educational Trust Fund for support of "Opportunities Industrialization Centers" designed to enable certain economically disadvantaged, unemployed and underemployed persons to secure and retain employment at their maximum capacity and to prescribe regulations applicable to the expenditure of such monies.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as the "Opportunities Industrialization Centers Assistance Act of 1977."

Section 2. It is the purpose of this Act to provide financial assistance for comprehensive job training and related services and transitional public service job opportunities, for economically disadvantaged, unemployed and underemployed persons, with Opportunities Industrialization Centers (and other community-based organizations), in support of an effective partnership of federal, state, and local decentralized employment services designed to enable individuals to secure and retain employment at their maximum capacity.

Section 3. (a) In order to carry out the purposes of this Act, there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of \$150,000 for the fiscal year ending September 30, 1977, and the sum of \$175,000 for the fiscal year ending September 30, 1978. For each fiscal year thereafter, appropriations necessary to implement this Act shall be included in the education budget of this state.

(b) All laws to the contrary notwithstanding, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such

funds were appropriated shall remain available for obligation during the succeeding year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

Section 4. (a) The appropriations provided for in Section 3, *supra*, shall be used for comprehensive job training and related services and public service job opportunities programs for economically disadvantaged, unemployed and underemployed persons including persons of limited English-speaking ability, with Opportunities Industrialization Centers (and other community-based organizations), and for establishment and operation in the state of such centers (and organizations). Such services shall include recruitment, counselling, remediation, motivational pre-job training, vocational training, job development, job placement, family planning, health care, child care, and other appropriate services enabling individuals to secure and retain employment at their maximum capacity.

(b) No funds shall be made available for any program under this section unless the Governor determines that adequate provisions are made to assure that (1) residents of the area to be served by such program are involved in the planning and operation of such center, and (2) the business community in the area to be served by such program is consulted in its development and operation. Top priority shall be given to any program authorized under this section which serves residents of an inner-city area with substantial unemployment or underemployment.

(c) In providing assistance under this Act, the Governor may provide such assistance directly, or subject to such conditions as he shall make, to ensure use consistent with the objectives of this Act and to ensure consideration through prime sponsors and other eligible applicants under the Federal Comprehensive Employment and Training Act of 1973.

Section 5. The Governor shall establish criteria designed to achieve an equitable distribution of assistance among areas within the state under this Act. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the needs of economically disadvantaged, underemployed and unemployed persons and the extent to which approaches are of demonstrated effectiveness.

Section 6. State financial assistance to any program carried out pursuant to this Act shall not exceed 25 percent of the cost of the program funded under this provision, including costs of administration. The Governor may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such

determinations, that this is necessary in furtherance of the objectives of this Act. Non-state contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

Section 7. The Governor shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

Section 8. The Governor may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

Section 9. On or before January 31 of each year, the Governor shall transmit to the legislature a detailed report setting forth the activities conducted under this Act, including information on the extent to which participants in such activities subsequently secure and retain employment.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1977.

Time: 1:07 P.M.

Act No. 591

S. 269—Mitchell

AN ACT

To amend Section 520, Title 52, Code of Alabama 1940, as amended, relating to the appointment of the board of trustees of the Alabama Institute for Deaf and Blind, so as to provide further for the appointment of board members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 520, Title 52, Code of Alabama 1940, as amended is further amended to read as follows:

"Section 520. The Alabama Institute for Deaf and Blind shall be managed and controlled by a board of trustees which shall consist of the governor, the state superintendent of education, and twelve other persons who shall be appointed by the governor and confirmed by the senate at the time of the appointment or at the next meeting of the legislature following such appointment; and if any appointment by the governor is rejected by the senate, the governor must again appoint until the full number of appointments at such time is complete; and in case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the governor may fill the vacancy by appointment, which shall be good until the next meeting of the legislature, and until his successor is duly appointed and confirmed. The appointive members of the board shall consist of three members from the congressional district in which the school is located, one from each of the other congressional districts in the state as they now or may hereafter exist, and as many other members as is necessary to complete the total membership of the board, who shall be appointed from the state at large. The at large members shall be individuals who have formerly attended the institute. The three members from the congressional district in which the institute is located shall be appointed from Talladega County. The members of the board shall be divided into three classes. The members of the first and second congressional district and one at large member and one of the members from the district where the school is located shall compose the first class. The members from the fourth and fifth congressional districts, one at large member and one of the members from the district where the school is located shall compose the second class. The members from the sixth and seventh congressional districts, one at large member and one of the members from the district where the school is located shall compose the third class. The members of the three classes described above in this amendatory act shall commence their terms of office when the terms of office of their predecessors in the old three classes expire or the respective offices become vacant. The members of the board of trustees of the Alabama Institute for the Deaf as constituted at the time of the consolidation of the three said institutions by this article and which have heretofore had charge and control of each of said institutions, and which board of trustees of Alabama School for the Deaf was constituted in all respects as the board of trustees of Alabama Institute for Deaf and Blind hereby created, shall constitute the board of trustees for the Alabama Institute for Deaf and Blind and the said members of said board of trustees for the said Alabama School for the Deaf shall each hold office as a member of the board of trustees of Alabama Institute for Deaf and Blind until the time when

their terms would have expired as trustees of Alabama Institute for the Deaf. Their successors in office shall hold office for a term of six years and until their successors are appointed and qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1977.

Time: 4:00 P.M.

Act No. 592

H. 36—Gafford, Folmar, Waggoner, Biddle

AN ACT

To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as heretofore amended, is hereby amended further to read as follows:

"Section 2. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation, (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden),

an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

"Where any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, this provision shall not be construed to include tires or batteries.

"(b) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contest, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to four percent of the gross receipts of any such business.

"(c) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for

use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

“(d) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one-half percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of five dollars per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

“Where any used automobile vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, and tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

“(e) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent (3%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.”

Section 2. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1977.

Time: 4:00 P.M.

Act No. 593

H. 145—Drake

AN ACT

To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," is hereby further amended to read as follows:

"Section 33. There are exempted from the provisions of this act from the computation of the amount of the tax levied, assessed or payable under this act the following:

"(a) The gross proceeds of the sales of lubricating oil and gasoline as defined in Section 630 and 646 of Title 51, Code 1940, which are otherwise taxed.

"(b) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(c) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sales of plants, seedlings, nursery stock or floral products.

"(d) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry (but not including prepared food for dogs and cats).

"(e) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or member of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the

gross proceeds of sales of poultry or poultry products when not products of the farm.

“(f) Cotton seed meal exchanged for cotton seed at or by cotton gins.

(f-1) The gross receipts from the business on which, or for engaging in which a license or privilege tax is levied by or under the provisions of Sections 177-180, 182-184, and 186 of Title 51, Code of Alabama 1940. Provided, however, that nothing contained in this subsection shall be construed to exempt or relieve the person or persons operating the business enumerated in said Sections from the payments of the tax levied by this bill upon or measured by the gross proceeds of sales of any tangible personal property (except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 177) merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this bill.

“(f-2) The gross proceeds of sales or gross receipts, of or by, any person, firm or corporation, from the sale of transportation, gas, water or electricity of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

“(g) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(h) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries. Provided, however, that nothing in this act shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of fifty tons burden or less.

“(i) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the State, and to incorporated municipalities of the State of Alabama.

“(j) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than fifty tons burden, when sold by the manufacturers or builders thereof.

“(k) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than fifty tons burden, constructed or built within the state.

“(l) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(m) The gross proceeds of the sale or sales of tangible personal property to county and city school boards and independent school boards as defined by Senate Bill No. 20 of the 1959 Second Special Session of the Legislature of Alabama and all educational institutions and agencies of the State of Alabama, the counties within the State, or any incorporated municipality of the State of Alabama.

“(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

“(o) The gross proceeds from the sale of liquified petroleum gas sold to be used for agricultural purposes.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1977.

Time: 4:00 P.M.

Act No. 594

H. 715—Morris

AN ACT

To allow individual taxpayers as a state income tax deduction for the taxable year an amount equal to the aggregate of the net operating loss carryover to such year, plus the net operating loss carrybacks to such year.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Deduction Allowed: In addition to all other state income tax deductions now provided by law, there shall be allowed as a deduction for the taxable year an amount equal to the aggregate of (1) the net operating loss carryovers to such year, plus (2) the net operating loss carrybacks to such year. For purposes of this section, the term "net operating loss deduction" means the deduction allowed by this subsection.

(b) Net Operating Loss Carrybacks and Carryovers:

(1) Years to which Loss May be Carried —

(A) A net operating loss for any taxable year ending after December 31, 1974, and before January, 1976, shall be a net operating loss carryback to the tax year preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1975, and before January 1, 1977, shall be a net operating loss carryback to each of the two taxable years preceding the taxable year of such loss. A net operating loss for any taxable year ending after December 31, 1976, shall be a net operating loss carryback to each of the three taxable years preceding the taxable year of such loss.

(B) A net operating loss for any taxable year ending after December 31, 1976, shall be a net operating loss carryover to each of the five (5) taxable years following the taxable year of such loss.

(2) Amount of Carrybacks and Carryovers — The entire amount of the net operating loss for any taxable year (hereinafter referred to as the "loss year"), shall be carried to the earliest of the taxable years to which (by reason of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the taxable income for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the taxable income for any such prior taxable year shall be computed —

(A) with the modification specified in subsection (d) (2); and

(B) by determining the amount of the net operating loss deduction without regard to the net operating loss for the loss year or for any taxable year thereafter and the taxable income so computed shall not be considered to be less than zero.

(c) **Net Operating Loss Defined:** For purposes of this section, the term "net operating loss" means (for any taxable year ending after December 31, 1974) the excess of the deductions allowed in computing the Alabama income by this section over the gross income in Alabama. Such excess shall be computed with the modifications specified in subsection (d).

(d) **Modifications:** The modifications referred to in this section are as follows:

(1) **Net Operating Loss Deduction** — No net operating loss deduction shall be allowed.

(2) **Deduction for Personal Exemptions** — No deduction shall be allowed under section 388 (relating to personal exemptions). No deduction in lieu of any such deduction shall be allowed.

(e) **Law Applicable to Computations:** In determining the amount of any net operating loss carryback or carryover to any taxable year, the necessary computations involving any other taxable year shall be made under the law applicable to such other taxable year.

(f) **Taxable Years Beginning in 1974 and Ending in 1975:** In the case of a taxable year beginning in 1974 and ending in 1975 —

(1) In lieu of the amount specified in subsection (c), the net operating loss for such year shall be that portion of the net operating loss for such year computed without regard to this subsection which the number of days in the loss year after December 31, 1974, bears to the total number of days in such year.

(2) For purposes of the second sentence of subsection (b)(2), the taxable income for such year shall be that portion of the net income for such year, computed without regard to this paragraph, which the number of days in such year before January 1, 1975, bears to the total number of days in such year.

Section 2. The provisions of this act are supplemental to Code of Alabama 1940, Title 51, Section 385, as amended.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its

otherwise becoming a law.

Approved May 13, 1977.

Time: 4:00 P.M.

Act No. 595

S. 19—Owen

AN ACT

Proposing an amendment to the Constitution of Alabama further amending Section 144, Article VI, of the Constitution of Alabama; providing for a Probate Court in each county, with general jurisdiction of orphans' business, and adoptions, and with power to grant Letters Testamentary, and of Administration and of Guardianships, and such further jurisdiction as may be provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

PROPOSED AMENDMENT

There shall be a Probate Court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant Letters Testamentary, and of Administration, and of Guardianships, and shall have such further jurisdiction as may be provided by law; provided, that whenever the Circuit Court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every

county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the Senate March 31, 1977

Passed the House May 4, 1977

Act No. 596

H. 778—Drake

AN ACT

To create the office of governor's councillor; to prescribe the duties and functions of such officer and to regulate and provide for payment of his compensation; and to give the provisions of this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of governor's councillor. Every person who shall have been elected to the office of Governor of Alabama for two terms or more and who shall have attained age 60 may be entitled to become a governor's councillor upon his application to the Governor and upon the Governor's certifying his employment as such councillor. A councillor shall hold office at the pleasure of the Governor.

Section 2. It shall be the duty of a governor's councillor, upon the request of the Governor, to provide such aid, counsel, advice, and assistance as the Governor may require or direct. All reports, advice, counsel, or recommendations of a councillor shall be confidential and privileged and shall not be divulged or revealed by a councillor to anybody except the Governor.

Section 3. A councillor shall be entitled to compensation payable from the state treasury at the same times and in the same way that the Governor's salary is paid which shall be in the amount of \$18,000 (eighteen thousand dollars) per annum.

Section 4. This Act shall automatically expire and have no force and affect immediately upon the adoption of a constitutional amendment providing or authorizing retirement or pensions for former governors if any such constitutional amendment should be proposed in the future.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this Act shall be effective retroactively to December 1, 1976.

Approved May 16, 1977.

Time: 12:15 P.M.

Act No. 597

S. 540—Waldrop

AN ACT

To repeal Act 519, H. 1172 of the 1975 Regular Session (Acts 1975, p. 1165) entitled "Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law."

Be It Enacted by the Legislature of Alabama:

Section 1. Act 519, H. 1172 of the 1975 Regular Session (Acts 1975, p. 1165) entitled "Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Census; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 16, 1977.

Time: 12:15 P.M.

AN ACT

To authorize the State of Alabama to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing coal, or lignite within the State of Alabama; to provide that the proceeds collected therefrom be deposited with the Department of Revenue and that thereafter (1) a portion of said tax be distributed to the governing body of the county within which such severance occurred; (2) a portion of said tax be distributed to the governing body of the municipality within the police jurisdiction or municipal limits of which such severance occurred in an amount based on the tax collected on the severance of coal, or lignite within such police jurisdiction or municipal limits; to establish procedures for the distribution of such funds by the Department of Revenue, to authorize the Department of Revenue or its authorized agents to inspect the relevant books of each person severing coal, or lignite and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; to prohibit, and make null and void, the enactment and implementation by county, municipal or other taxing authorities severance taxes inconsistent with or additional to the provisions of this Act and to effect the repeal of any laws previously passed authorizing the implementation or enactment of any such tax; and to prescribe penalties for the violations of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: When used in this chapter, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) "Person" means any individual, firm, partnership, corporation, association, or any other legal entity;

(b) "Sever" means cutting, mining, stripping, deep mining, or otherwise taking or removing coal, or lignite from the soil within the county;

(c) "Ton" means a short ton of 2,000 lbs.

(d) "Fiscal Year" shall be a 12-month period from January 1 through December 31.

(e) "Police Jurisdiction" and "Municipal Limits" shall, for the purposes of this statute only, refer to police jurisdictions and municipal limits as such police jurisdictions and municipal limits existed on January 1, 1977.

Section 2. Any laws to the contrary notwithstanding, the Department of Revenue is authorized and empowered to and shall levy and collect an excise and privilege tax on every person severing coal, or lignite within the State of Alabama in an amount equal to twenty cents (20¢) per ton of coal, or lignite severed.

Section 3. The proceeds collected pursuant to the provisions of this Act shall be deposited with the State Department of Revenue and shall be distributed by it at intervals of not more than sixty days as follows:

(a) There shall be distributed to the governing body of each municipality within the police jurisdiction or municipal limits of which coal, or lignite was severed an amount equal to fifty percent (50%) of the tax collected hereunder from the severance of coal or lignite occurring within such police jurisdiction or municipal limits;

(b) There shall be distributed to the governing body of each county within which coal, or lignite was severed other than within the police jurisdiction or municipal limits of a municipality an amount equal to one hundred percent (100%) of the tax collected hereunder from the severance of coal or lignite not severed within the police jurisdiction or municipal limits of a municipality; in addition, there shall be distributed to each such county fifty percent (50%) of the tax collected hereunder from the severance of coal or lignite within the police jurisdiction or municipal limits of each municipality in such county within which there occurred the severance of coal or lignite.

Section 4. In any case in which more than one municipality has, pursuant to the laws of the State of Alabama, police jurisdiction over an area, computations of tonnage severed and the distribution of taxes collected hereunder shall be prorated equally among such municipalities with such overlapping police jurisdictions as to such area of overlapping jurisdictions only.

Section 5. The relevant books of every person engaged in the severing of coal or lignite in the State of Alabama shall be open to inspection by duly authorized agents of the Department of Revenue selected or appointed for the purpose of aiding in the collection and enforcement of the tax imposed by this Act. The Department of Revenue is authorized and empowered to issue such forms and to make reasonable rules, regulations and promulgations as may be necessary to enforce and collect the tax hereby imposed including the imposition of a delinquent penalty not to exceed fifteen percent (15%) of the amount of such tax; provided, however, such penalty may be waived by the Department of Revenue if a good and sufficient reason therefor is shown.

Section 6. Any person who shall fail to comply with the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00) for each such offense.

Section 7. The provisions of this act are supplemental and shall be construed in pari materia with Act No. 2305, H. 875, 1971 Regular Session (Acts 1971, p. 3719) and Act No. 906, H. 1867, 1975 Regular Session (Acts 1975, p. 1803; as amended by Act No. 368, S. 262, Regular Session of 1976 and other laws regulating excise and privilege taxes on the severance of coal or lignite, provided, however, that those laws or parts of laws, including specifically any laws imposing or authorizing local, county, municipal or other severance taxes, except as set out above on coal or lignite are hereby repealed and all counties, municipalities, and taxing authorities now or hereafter existing in the State of Alabama are prohibited from enacting and implementing any excise or privilege tax on any person severing coal or lignite within the State of Alabama.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1977.

Time: 12:15 P.M.

Act No. 599

H. 194—Hall

AN ACT

Proposing a further amendment to Amendment No. CCXXXIX of the Constitution of Alabama of 1901, providing for the creation of fire protection or garbage and trash disposal districts in Jefferson County so as to permit service districts for medical rescue systems and services and parks and recreational facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of Amendment CCXXXIX of the Constitution of Alabama of 1901, as amended by Amendment CCCXIV, is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

1. As used in this amendment, these terms have the meanings here given them: "service district" means a district for which this amendment provides; "expenses" means the

expenses of establishing a district and providing the services and facilities the district is authorized to provide; and "county governing body" means the governing body of Jefferson County.

2. The county governing body may provide for the formation of service districts in Jefferson County for any of the following purposes: to establish and maintain a system to fight or prevent fires and to furnish medical rescue services; to establish and maintain a system to collect and dispose of garbage and trash; and to provide park and recreational facilities; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district; and provided, further, that no such district shall be established unless the establishment thereof has been first approved by the qualified electors residing within the proposed district at an election held as provided for by laws heretofore or hereafter adopted by the Legislature, or as provided for by ordinances hereafter adopted by the County governing body.

A district may be established for any one or more of the foregoing purposes. The county governing body shall provide by ordinance for submitting to the qualified electors within the proposed district the question of whether the district shall be created for one or more of such purposes.

3. The district expenses shall be paid for by the proceeds of service charges or property taxes for which paragraphs 4 and 5, below, provide or by a combination of such proceeds; provided, however, that any funds received from the federal or state government may be used to pay such expenses.

4. Subject to the conditions stated in paragraph 6, below, the governing body of a district may by resolution levy service charges to pay the expenses of the district.

Said service charges shall be levied upon and collected from the persons for whom and the property for which the services and facilities are provided or made available; and such charges shall be a personal obligation of the occupant of such property and shall also be a lien upon such property, enforceable by the sale thereof.

5. Subject to the conditions stated in paragraph 6, below, the county governing body may by ordinance levy a tax on all taxable property in any district in addition to any other tax authorized by law, to pay the expenses of the district.

The taxes levied under this paragraph 5 shall be subject to the laws of the state providing for the following: the time for the levy and the payment of such taxes; the place of the

payment of such taxes; the interest and penalties payable on such taxes not paid when due; the lien for the taxes; and the remedies for collection of such taxes unpaid.

6. No service charge or tax provided for by this amendment shall become effective unless before the creation of the district involved such service charge or tax shall have been approved at an election in the territory proposed to be established as a district held at the time of the election on establishing the proposed district or unless after the establishment of the district the following shall have occurred:

(1) the governing body adopting the resolution or ordinance shall have published the same in a newspaper of general circulation in the district involved;

(2) thirty (30) days shall have elapsed since the publication of such resolution or ordinance; and

(3) one of these two events, called Event A and Event B, shall have occurred: Event A: Thirty days following the said publication shall have passed without any petition for an election being filed under the ordinance paragraph 7, below, requires; Event B: At an election called under said ordinance the proposed service charge or tax shall have been approved.

7. The provisions of this paragraph 7 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body shall adopt ordinances providing for elections to be held on the question of the establishment of districts in the unincorporated areas of the county and on the question of levying service charges or taxes to pay the expenses. The county governing body shall adopt an ordinance, or ordinances, governing elections on the question of the creation of proposed districts in the unincorporated areas of the county and on the question of whether a proposed service charge or tax shall be levied. Such ordinances shall provide for the following: the form of petition for such election; the number of qualified electors residing in the district or in the proposed district required to sign the petition to secure such election; the conduct of the election and the time allowed for filing such petition in the office of the Probate Judge of the county, which time shall not be less than 30 days following the publication of the resolution or ordinance as required by paragraph 6, above.

8. The provisions of this paragraph 8 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body by ordinance may provide for the enlargement of a district by the addition of territory thereto, subject to the following conditions: (1) No territory lying

within a municipal corporation at the time of such enlargement shall be added to a district; (2) subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district; (3) the county governing body may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory.

9. The provisions of this paragraph 9 shall be subject to the conditions and limitations of paragraph 11 below. The county governing body shall enact ordinances providing for the administration of the affairs of the district by the county governing body, the governing body of the district, or by any agency of the county and empowering the body administering the affairs of the district to levy and collect service charges provided for in paragraph 4, above, and the county governing body to levy the taxes provided for in paragraph 5, above, subject to the restrictions and conditions imposed by this amendment and such additional restrictions and conditions as the county governing body, by ordinance, may impose.

10. The county governing body, by ordinance, may provide for the issuance of bonds for such districts with or without an election; provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charges and taxes authorized hereby, and no such bond shall be a general obligation of the county.

11. The legislature may, from time to time, adopt laws governing service districts, including laws repealing any ordinance of the county governing body inconsistent with any law enacted by the legislature prior to the adoption of this amendment. If there is any inconsistency between any law enacted by the legislature after adoption of this amendment and any ordinance adopted by the county governing body, the law shall prevail over such ordinance. In order for a law enacted subsequent to the adoption of this amendment to prevail over any ordinance in conflict with such law, repeal of such ordinance shall not be necessary, but such repeal of the conflicting ordinance shall be permissible.

Section 2. An election upon the proposed amendment is ordered to be held on the same date as the first constitutional amendment election held after the expiration of three months from final adjournment of the 1977 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 17, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the House February 17, 1977.

Passed the Senate as amended May 16, 1977.

House concurred in Senate Amendment May 16, 1977.

Act No. 600

H. 1134—Naramore, Waggoner, Weeks,
Crawford, Folmar, Plaster,
Hines, Callahan, Crowe, Coburn,
McCorquodale

AN ACT

To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Each sworn law enforcement officer who has full peace officer authority and who is employed full time in such capacity by the Alabama Department of Conservation and Natural Resources including Game Refuge Managers including law enforcement officers in the Department of Industrial Relations and Fire Marshals including law enforcement officers in the Forestry Department, the Alabama Alcoholic Beverage Control Board, the State Department of Revenue, Department of Insurance (Fire Marshalls), the Board of Corrections, and the Alabama Department of Agriculture and Industries, shall upon the effective date of this Act, be entitled to, and receive a bi-weekly salary increase of \$115.00 effective October 1, 1977.

Section 2. There is hereby appropriated annually from the funds for which salaries are paid the amounts sufficient to carry out the provisions of this Act.

In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supportive funds such additional amounts as may be necessary to pay the increase provided in Section 1 of this Act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall take effect October 1, 1977.

Passed, the Governor's veto to the contrary notwithstanding on May 16, 1977.

Act No. 601

H. 487—Merrill, Robertson

AN ACT

To provide salary increases for certain state employees; and to appropriate funds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the first pay period beginning on or after October 1, 1977, all state employees subject to the merit system law including all employees of county health departments who are employed subject to the state merit system law and whose compensation is paid out of a budget provided and agreed upon by the state, county or other contributing agency, under the direction of the state board of health, shall receive a cost of living increase in the amount of seven hundred eighty dollars (\$780) per annum for the class of position of employees who earn \$10,400 or less per annum; all employees earning more than \$10,400 per annum but not exceeding \$40,000.00 per annum shall receive seven and one-half percent ($7\frac{1}{2}\%$) cost of living increase, and all other state employees not subject to the merit system law, shall be entitled to cost of living increases in pay at the same times and in such amounts as is equal to the percentage of their rates of pay which is the equivalent of the percentage of the increase given to state employees subject to the state merit system law. All such increases shall be in addition to the salary received by such employees. Any employees receiving a salary increase under H. B. 218 & H. B. 1134 of the 1977 Legislature shall not be entitled to any additional salary increase provided by the provisions of this bill.

Section 2. The provisions of this act shall not apply to any merit system employee whose service or rates of pay are covered by any labor agreement or contract.

Section 3. The director of the State Personnel Department shall revise the schedule of rates set forth in the pay

plan for state employees subject to the merit system law to reflect the increase herein provided and shall certify the same to the state comptroller, who shall issue his warrants in accordance therewith. The comptroller shall revise the rates of pay for state employees not subject to the state merit system law to reflect the increases herein provided and shall draw his warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided are hereby appropriated for the fiscal year beginning October 1, 1977, from such funds as the salaries of the several state employees are paid.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1977.

Time: 5:45 P.M.

Act No. 602

S. 615—Peden

AN ACT

To repeal Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent or any subsequent federal decennial census, to create a Civil Service Board in said counties to assure the more efficient operation of the Sheriff's Department; to provide for the composition powers, duties, and compensation for such boards; and to establish certain employee management policies for the Sheriff's Department in said counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 1695, H. 2263, 1971 Regular Session (Acts of 1971, p. 2852), which reads as follows:

"Section 8. Week Work Load and Compensation:

"The work load for employees in the Sheriff's Department in said counties is hereby set at a maximum of forty (40) hours per week for a five (5) day work week. There is spe-

cial provision hereby made for an additional five (5) hours per week above the maximum when necessary for the operation of the departments with compensation for such extra hours being the regular hourly rate already provided by law. An employee shall receive time and a half for all hours which he works over the maximum limit and extra hours as provided. Any hours over the maximum amount herein provided are to be set by the Civil Service Board. For no reason shall an employee of the Sheriff's Department be allowed to work over the limits herein established except where an emergency shall arise. In such an emergency situation the sheriff may schedule such additional hours as are necessary for special duty. Following said emergency the sheriff must submit the reasons for the scheduling of the additional hours in writing to the Civil Service Board is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 16, 1977.

Time: 6:30 P.M.

Act No. 603

S. 348—Powell

AN ACT

To amend Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 (Acts 1965, Vol. I, p. 159), which act provides for the establishment, maintenance and operation of a trade school for the prison system, so as to transfer its operation and the land, personal property and buildings to the state board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 through 5 of Act No. 110, H. 100 of the First Special Session of 1965 are hereby amended to read as follows:

"Section 1. The Alabama state board of education in co-operation with the Alabama board of corrections shall maintain the established trade school adjacent to the Frank Lee Youth Center in Elmore County. This school shall give priority to training the inmates in all state correctional institutions in Montgomery and Elmore Counties in useful occupations and prepare them to take their place as useful citizens in our society.

"Section 2. The school established under this Act shall be constructed, leased, equipped, improved, enlarged and maintained by the board of education of the State of Alabama. The

state board of education shall provide the equipment, supplies and materials for the operation of such trade school and shall staff the same with adequate teachers and instructors. The enrollment shall be selected by the board of corrections, with the approval of the state board of education.

"Section 3. For the purpose of constructing, buildings and preparing building sites for the trade or technical school provided for by this Act, there is hereby authorized the use of any bond issues, appropriations, grants, gifts, or any other funds which may be made available to the board of education from any source whatsoever. All buildings to be constructed, for the purpose of providing the physical facilities for such trade school shall be under the supervision and direction of the building commission of 1945, or any agency designated by the legislature as its successor, and no funds shall be expended for such purpose without approval of the building commission.

"Section 4. The property described in this section and all buildings thereon shall be transferred to the state board of education. The land description is as follows:

"In Elmore County, beginning at the NE corner of the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S. 32, T 19, R 17 and thence West 637.5 feet; thence South 385 feet; proceeding from that point East 500 feet; from that point East 551 feet; from that point 530 feet to the point of beginning."

"Section 5. The state board of education and the state board of corrections shall proceed forthwith to transfer the property and buildings thereon as described in this Act. In the event this school ceases to give priority to the training of inmates, all of the property and buildings thereon as described in this Act shall revert to the board of corrections of the State of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without the approval of the Governor.

Act No. 604

S. 550—Mitchell

AN ACT

Providing a supplement to the salary of the circuit judge of the second judicial circuit to be paid in equal parts by the counties composing said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of the counties composing the second judicial circuit are hereby authorized, empowered and directed to pay the circuit judge of such circuit a supplemental salary in the amount of \$3,600.00 per annum. The payment of such amount shall be proportioned equally among the counties comprising said circuit and shall be paid in equal monthly installments out of the general fund or any other funds as may be available for such purpose and shall be paid in addition to any state salary and expense allowances heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 605

S. 165—Fine

AN ACT

To regulate the expense allowances in the Twenty-Fifth Judicial Circuit for circuit judges and the district attorney; and to make the provisions of this Act retroactive to January 16, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge of the Twenty-Fifth Judicial Circuit shall be entitled to receive an expense allowance in an amount equal to 25% of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the Twenty-Fifth Judicial Circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such judge by the State of Alabama, but shall be in lieu of any and all compensation or allowance heretofore payable to such judge by the counties composing the circuit.

Section 2. The district attorney for the Twenty-Fifth Judicial Circuit shall be entitled to receive an expense allowance in an amount equal to 25% of the amount paid now or hereafter in salary by the State of Alabama, payable in monthly installments out of the general funds of the counties within the Twenty-Fifth Judicial Circuit, in equal shares from each county. Such expense allowance shall be in addition to any and all other salary or compensation payable to such district attorney by the State of Alabama but shall be in lieu of any

and all compensation or allowance heretofore payable to such district attorney by the counties composing the circuit.

Section 3. The expense allowances provided hereinabove shall be payable retroactively to January 16, 1977.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 606

S. 367—Fine

AN ACT

Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; providing for the expense allowance for members of the county board of education; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies only to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Each member of the county board of education in the counties to which this act applies shall receive an expense allowance in the amount of three hundred dollars (\$300.00) per month. The expense allowance provided for by this act shall be in lieu of any and all other expense allowances heretofore provided and shall be the total compensation for expenses.

Section 3. The expense allowance provided for in Section 2 of this act shall be paid out of such funds and in the same manner as are the regular salaries of the school board members.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. The provisions of this act shall become effective on the first day of the month next succeeding the date this act becomes law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 607

S. 33—St. John

AN ACT

To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Be It Enacted by the Legislature of Alabama:

Sec. 101. Short Title.

This act shall be known and may be cited as the "Alabama Criminal Code."

Sec. 105. General Purposes.

The general purposes of the provisions of this act are:

(1) To proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to individual and or public interests;

(2) To give fair warning of the nature of the conduct proscribed and of the punishment authorized upon conviction;

(3) To define the act or omission and the accompanying mental state that constitute each offense;

(4) To differentiate on reasonable grounds between serious and minor offenses and to prescribe proportionate penalties for each;

(5) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted, and their confinement when required in the interests of public protection; and

(6) To prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Sec. 110. Offenses Defined.

No act or omission is a crime unless made so by this act or by other applicable statute or lawful ordinance.

Sec. 112. Conformity of Local Ordinances.

No county, municipality, or other governmental subdivision of the state of Alabama shall enact or enforce any criminal ordinance or other form of law proscribing any conduct substantially proscribed by any provisions of this code unless the elements of proof of the offense so defined by such ordinance or other form of law are the same as the elements of proof of the substantially equivalent offense defined by this code and unless the punishment prescribed by such local ordinance or other form of law is no greater than the punishment prescribed by this code for the substantially equivalent offense; provided, however, that nothing in this section shall be construed as granting or increasing authority or power in such municipalities, counties, or other governmental subdivisions to enact criminal laws of any kind.

Sec. 115. Rule of Construction.

All provisions of this act shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law, including the purposes stated in § 105.

Sec. 120. Application to Offenses Committed Before and After Enactment.

(1) The provisions of this act shall govern the construction of and punishment for any offense defined in this act and committed after the effective date hereof, as well as the construction and application of any defense to a prosecution for such an offense.

(2) Unless otherwise expressly provided, or unless the context otherwise requires, the provisions of this chapter shall govern the construction of and punishment for any offense defined outside this act and committed after the effective date thereof, as well as the construction and application of any defense to a prosecution for such an offense.

(3) The provisions of this act do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this act, or the construction and application of any defense to a prosecution or such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this act had not been enacted.

Sec. 125. Other Limitations on Applicability.

(1) Except as otherwise provided herein, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act.

(2) This act does not bar, suspend, or otherwise restrict any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this act.

Sec. 126. Lesser Included Offenses.

(1) A defendant may be convicted of an offense included in an offense charged. An offense is an included one if:

(a) It is established by proof of the same or fewer than all the facts required to establish the commission of the offense charged; or

(b) It consists of an attempt or solicitation to commit the offense charged or to commit a lesser included offense; or

(c) It is specifically designated by statute as a lesser degree of the offense charged; or

(d) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property or public interests, or a lesser kind of culpability suffices to establish its commission.

(2) The court shall not charge the jury with respect to an included offense unless there is a rational basis for a verdict convicting the defendant of the included offense.

Sec. 130. Definitions of Terms of General Use.

Unless different meanings are expressly specified in subsequent provisions of this act, the following terms have the following meanings:

(1) "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state.

(2) "Violation" means an offense for which a sentence to a term of imprisonment not in excess of 30 days may be imposed.

(3) "Misdemeanor" means an offense for which a sentence to a term of imprisonment not in excess of one year may be imposed.

(4) "Felony" means an offense for which a sentence to a term of imprisonment in excess of one year is authorized by this act.

(5) "Crime" means a misdemeanor or a felony.

(6) "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

(7) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.

(8) "Physical injury" means impairment of physical condition or substantial pain.

(9) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

(10) "Deadly physical force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(11) "Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and includes, but is not limited to, a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any billy, blackjack, bludgeon or metal knuckles.

(12) "Dangerous instrument" means any instrument, articles, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is highly capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in subparagraph (13).

(13) "Vehicle" means any "propelled vehicle" as defined in § 3280(9) of this act and includes any propelled device by which any person or property is transported on land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, and aircraft, and any vessel whether propelled by machinery or not.

(14) "Burden of injecting the issue" means that the defendant must offer some competent evidence relating to all matters subject to the burden, except that the defendant may rely upon evidence presented by the prosecution in meeting the burden.

Sec. 301. Culpability: Definition of Terms.

The following definitions apply to this Criminal Code:

(1) "Act" means a bodily movement, and includes possession of property.

(2) "Voluntary act" means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient time to have been able to terminate it.

(3) "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

(4) "Conduct" means an act or omission and its accompanying mental state.

(5) "To act" means either to perform an act or to omit to perform an act.

(6) "Culpable mental state" means "intentionally" or "knowingly" or "recklessly" or with "criminal negligence" as these terms are defined in § 305.

Sec. 305. Culpability: Definitions of Capable Mental State.

The following definitions apply to this Criminal Code:

(1) "Intentionally". A person acts intentionally with respect to a result or to conduct described by a statute defining an offense, when his purpose is to cause that result or to engage in that conduct.

(2) "Knowingly". A person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists.

(3) "Recklessly". A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates a risk but is unaware thereof solely by reason of voluntary intoxication as defined in § 505(5)(b) acts recklessly with respect thereto.

(4) "Criminal negligence". A person acts with criminal negligence with respect to a result or to a circumstance which

is defined by statute as an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstances exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence.

Sec. 310. Requirements for Criminal Liability in General and for Offenses of Strict Liability and of Mental Culpability.

The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which he is physically capable of performing. If that conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of "strict liability". If a culpable mental state on the part of the actor is required with respect to any material element of an offense, the offense is one of "mental culpability."

Sec. 325. Construction of Statutes with Respect to Culpability Requirements.

(1) When a statute defining an offense prescribes as an element thereof a specified culpable mental state, such mental state is presumed to apply to every element of the offense unless the context thereof indicates to the contrary.

(2) Although no culpable mental state is expressly designated in a statute defining an offense, an appropriate culpable mental state may nevertheless be required for the commission of that offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such culpable mental state. A statute defining a crime, unless clearly indicating a legislative intent to impose strict liability, states a crime of mental culpability.

(3) If a statute provides that criminal negligence suffices to establish an element of an offense, that element also is established if a person acts recklessly, knowingly, or intentionally. If recklessness suffices to establish an element, that element also established if a person acts knowingly or intentionally. If acting knowingly suffices to establish an element, that element also is established if a person acts intentionally.

Sec. 320. Casual Relationship between Conduct and Results; Relationship to Mental Culpability.

(1) A person is criminally liable if the result would not

have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was sufficient to produce the result and the conduct of the actor clearly insufficient.

(2) A person is nevertheless criminally liable for causing a result if the only difference between what actually occurred and what he intended, contemplated, or risked is that:

(a) A different person or property was injured, harmed, or affected; or

(b) A less serious or less extensive injury or harm occurred.

(3) When causing a particular result is a material element of an offense for which absolute liability is imposed by law, the element is not established unless the actual result is a probable consequence of the actor's conduct.

Sec. 325. Effect of Ignorance or Mistake upon Liability.

(1) A person is not relieved of criminal liability for conduct because he engages in that conduct under a mistaken belief of fact unless:

(a) His factual mistake negatives the culpable mental state required for the commission of an offense; or

(b) The statute defining the offense or a statute related thereto expressly provides that such a factual mistake constitutes a defense or exemption; or

(c) The factual mistake is of a kind that supports a defense of justification as defined in chapter 6.

(2) A person is not relieved of criminal liability for conduct because he engages in that conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless his mistaken belief is founded upon an official statement of the law contained in a statute or the latest judicial decision of the highest state or federal court which has decided on the matter.

(3) The burden of injecting the issue of mistake of law under subsection (2) is on the defendant, but this does not shift the burden of proof.

(4) A mistake of law other than as to the existence or meaning of the statute under which the defendant is prosecuted is relevant to disprove the specific state of mental culpability required by the statute under which the defendant is prosecuted.

Sec. 330. Consent.

(1) In General. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives a required element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(2) Consent to Bodily Harm. When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense only if:

(a) The bodily harm consented to or threatened by the conduct consented to is not serious; or

(b) The conduct and the harm are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

(c) The consent establishes a justification for the conduct under Chapter 6.

(3) Ineffective Consent. Unless otherwise provided by this Criminal Code or by the law defining the offense, assent does not constitute consent if:

(a) It is given by a person who is legally incompetent to authorize the conduct; or

(b) It is given by a person who by reason of immaturity, mental disease or defect, or intoxication is manifestly unable and known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct; or

(c) It is given by a person whose consent is sought to be prevented by the law defining the offense; or

(d) It is induced by force, duress or deception.

Sec. 401. Liability Based Upon Behavior.

A person is criminally liable for an offense if it is committed by his own behavior or by the behavior of another person for which he is legally accountable as provided for in this chapter, or both.

Sec. 405. Liability Based Upon Behavior of Another: Specific Provision.

A person is legally accountable for the behavior of another person if he is made accountable for the behavior of such person by the statute defining the offense or by specific provision of this code.

Sec. 410. Liability Based Upon Behavior of Another: Conduct of an Innocent Person.

(1) A person is legally accountable for the behavior of another if, acting with the culpable mental state sufficient for the commission of the offense in question, he causes an innocent person to engage in such behavior.

(2) As used in this section, an "innocent person" includes any person who is not guilty of the offense in question, despite his behavior, because of:

(a) Criminal irresponsibility or other legal incapacity or exemption.

(b) Unawareness of the criminal nature of the conduct in question or of the defendant's criminal purpose.

(c) Any other factor precluding the mental state sufficient for the commission of the offense in question.

Sec. 415. Liability Based Upon Behavior of Another: Complicity.

A person is legally accountable for the behavior of another constituting a criminal offense if, with the intent to promote or assist the commission of the offense:

(a) He procures, induces, or causes such other person to commit the offense; or

(b) He aids or abets such other person in committing the offense; or

(c) Having a legal duty to prevent the commission of the offense, he fails to make an effort he is legally required to make.

Sec. 420. Liability Based Upon Behavior of Another: Exceptions.

Unless otherwise provided by the statute defining the offense, a person shall not be legally accountable for behavior of another constituting a criminal offense if:

(a) He is a victim of that offense; or

(b) The offense is so defined that his conduct is inevitably incidental to its commission; or

(c) Prior to the commission of the offense, he voluntarily terminated his effort to promote or assist its commission and either gave timely and adequate warning to law enforcement authorities, or to the intended victim, or wholly deprived his complicity of its effectiveness in the commission of the offense.

The burden injecting this issue is on the defendant, but this does not shift the burden of proof.

Sec. 425. Liability Based Upon the Behavior of Another: No Defense.

In a prosecution for an offense in which criminal liability is based upon the behavior of another person pursuant to this chapter, it is no defense that:

(a) Such other person has not been prosecuted for or convicted of any offense based upon the behavior in question, or has been previously acquitted thereof, or has been convicted of a different offense or degree of offense.

(b) The defendant belongs to a class of persons who by definition of the offense are legally incapable of committing the offense in an individual capacity.

Sec. 435. Liability of an Individual for Corporate Conduct.

A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or in behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

Sec. 501. Mental Disease or Defect.

(1) A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

(2) "Mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(3) Lack of criminal responsibility under this section is a defense.

Sec. 505. Intoxication.

(1) Intoxication is not a defense to a criminal charge, except as provided in subsection (3). However, intoxication, whether voluntary or involuntary, is admissible in evidence whenever it is relevant to negate an element of the offense charged.

(2) When recklessness establishes an element of an offense and the actor is unaware of a risk because of voluntary intoxication, his unawareness is immaterial in a prosecution for that offense.

(3) Involuntary intoxication is a defense to prosecution

if as a result the actor lacks capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

(4) Intoxication in itself does not constitute mental disease or defect within the meaning of Section 501.

(5) In this section:

(a) "Intoxication" includes a disturbance of mental or physical capacities resulting from the introduction of any substance into the body.

(b) "Voluntary intoxication" means intoxication caused by substances that the actor knowingly introduced into his body the tendency of which to cause intoxication he knows or ought to know, unless he introduces them under circumstances that would afford a defense to a charge of crime.

Sec. 510. Immaturity.

The prosecution of any person as an adult shall be barred if the offense was committed when the actor was less than fourteen (14) years old.

Sec. 601. Justification.

(1) Defense. Except as otherwise expressly provided, justification or excuse under this Chapter is a defense.

(2) Danger to Innocent Persons. If a person is justified or excused in using force against a person, but he recklessly or negligently injures or creates a substantial injury to another person, the justifications afforded by this Chapter are unavailable in a prosecution for such recklessness or negligence.

(3) Civil Remedy Unimpaired. Any justification or excuse within the meaning of this Chapter does not abolish or impair any civil remedy or right of action which is otherwise available.

Sec. 605. Justification: Execution of Public Duty.

Unless inconsistent with other provisions of this chapter, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by law or by a judicial decree.

Sec. 610. Justification: Use of Force in Defense of a Person.

(1) Except as provided in subsections (2) and (3), a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force

which he reasonably believes to be necessary for the purpose. However, deadly physical force may not be used unless the actor reasonably believes that such other person is:

(a) Using or about to use unlawful deadly physical force;
or

(b) Using or about to use physical force against an occupant of a dwelling while committing or attempting to commit a burglary of such dwelling; or

(c) Committing or about to commit a kidnapping, mayhem, burglary in the first or second degree, robbery, forcible rape or forcible sodomy.

(2) Notwithstanding the provisions of subsection (1), a person is not justified in using deadly physical force upon another person if it reasonably appears or he knows that he can avoid the necessity of using such force with complete safety:

(a) By retreating, except that the actor is not required to retreat

(i) if he is in his dwelling or at his place of work and was not the original aggressor, or (ii) if he is a peace officer or a private person lawfully assisting a peace officer at his direction; or

(b) By surrendering possession of property to a person claiming a right thereto; or

(c) By complying with a demand that he abstain from performing an act which he is not obligated to perform.

(3) Notwithstanding the provisions of subsection (1), a person is not justified in using physical force if:

(a) With intent to cause physical injury or death to another person, he provoked the use of unlawful physical force by such other person; or

(b) He was the initial aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

(c) The physical force involved was the product of a combat by agreement not specifically authorized by law.

Sec. 615. Justification: Use of Force by Persons With Parental, Custodial or Special Responsibilities.

The use of force upon another person is justified under any of the following circumstances:

(a) A parent, guardian or other person responsible for the care and supervision of a minor or an incompetent person, and a teacher or other person responsible for the care and supervision of a minor for a special purpose, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent that he reasonably believes it necessary and appropriate to maintain discipline or to promote the welfare of the minor or incompetent person.

(b) A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force is authorized by law.

(c) A person responsible for the maintenance of order in a common or contract carrier of passengers or a person acting under his direction, may use reasonable physical force when and to the extent that he reasonably believes it necessary to maintain order, but he may use deadly physical force only when he reasonably believes it necessary to prevent death or serious physical injury.

(d) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself may use reasonable physical force upon that person to the extent that he reasonably believes it necessary to thwart the result.

(e) A duly licensed physician, or a person acting under his direction, may use reasonable physical force for the purpose of administering a reasonable and recognized form of treatment which he reasonably believes to be adapted to promoting the physical or mental health of the patient if:

(i) The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person responsible for his care and supervision; or

(ii) The treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Sec. 620. Justification: Use of Force in Defense of Premises.

(1) A person in lawful possession or control of premises, as defined in § 670, or a person who is licensed or privileged to be thereon, may use physical force upon another person when and to the extent that he reasonably believes it necessary

to prevent or terminate what he reasonably believes to be the commission or attempted commission of a criminal trespass by the other person in or upon such premises.

(2) A person may use deadly physical force under the circumstances set forth in subsection (1) of this section only:

(a) In defense of a person as provided in § 610 of this Chapter (Justification: Use of Force in Defense of a Person); or

(b) When he reasonably believes it necessary to prevent the commission of arson in the first or second degree by the trespasser.

Sec. 625. Justification. Use of Force in Defense of Property.

A person is justified in using physical force, other than deadly physical force, upon another person when and to the extent that he reasonably believes it to be necessary to prevent or terminate the commission or attempted commission by the other person of theft or criminal mischief with respect to property other than premises as defined in § 670.

Sec. 630. Justification: Use of Force in Making an Arrest or Preventing an Escape.

(1) A peace officer is justified in using physical force upon a person being legally arrested or trying illegally to escape when and to the extent that the peace officer reasonably believes it necessary:

(a) To make the arrest or to prevent the escape from custody of an arrested person unless the peace officer knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest or while preventing or attempting to prevent an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) only when he reasonably believes it is necessary:

(a) To make an arrest or to prevent the escape from custody of a person whom he reasonably believes (i) has committed or attempted to commit a felony involving the use of deadly physical force, or (ii) is attempting to escape by the use of a deadly weapon, or (iii) otherwise indicates that he is likely to endanger human life or to inflict serious physical injury unless apprehended without delay; or

(b) To defend himself or a third person from what he

reasonably believes to be the use of imminent use of deadly physical force.

(3) Nothing in subsections (1)(a) or (2)(a) constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) unless the warrant is invalid and is known by the officer to be invalid.

(5) Except as provided in subsection (6), a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows or believes or should in the exercise of average reason know that the arrest or prospective arrest is not or was not authorized.

(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) may use deadly physical force to effect an arrest or to prevent an escape only when:

(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) He is authorized by the peace officer to use deadly physical force and the peace officer himself is authorized to use deadly physical force under the circumstances.

(7) A private person acting on his own account is justified in using physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he reasonably believes has committed a felony and who in fact has committed that felony, but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

(8) A guard or peace officer employed in a detention facility is justified:

(a) In using deadly physical force when and to the extent that he reasonably believes it necessary to prevent what he

reasonably believes to be the escape of a prisoner accused or convicted of a felony from the maximum security portion of any detention facility, or from armed escort or guard;

(b) In using physical force, but not deadly physical force, in all other circumstances when and to extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(c) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

- (i) Charged with or convicted of an offense; or
- (ii) Charged with being or adjudicated a youthful offender, a neglected minor or juvenile delinquent; or
- (iii) Held for extradition; or
- (iv) Otherwise confined pursuant to an order of a criminal court.

Sec. 635. Justification: Use of Force in Resisting Arrest Prohibited.

A person may not use physical force to resist a lawful arrest by a peace officer who is known or reasonably appears to be a peace officer.

Sec. 640. Justification: Necessity.

Unless inconsistent with other provisions of this chapter, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when:

(1) Such conduct is necessary as an emergency measure to avoid imminent harm to the actor or another; and

(2) The desirability and urgency of avoiding such harm clearly outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the law proscribing the conduct; and

(3) The actor was not reckless, negligent or at fault in bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct; and

(4) A legislative purpose to exclude the justification claimed for the conduct does not otherwise plainly appear.

Sec. 645. Justification: Duress.

(1) It is a defense to prosecution that the actor engaged in the proscribed conduct because he was compelled to do so by the threat or use of unlawful force against his person or the

person of another, which threat or use of unlawful force a person of reasonable firmness in the actor's situation would not have resisted.

(2) The defense provided by this section is unavailable if the actor intentionally or recklessly placed himself in a situation in which it was probable that he would be subjected to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence suffices to establish culpability for the offense charged.

(3) It is not a defense that a woman acted on the command or persuasion of her husband, unless she acted under such compulsion that would establish a defense under this section. The presumption that a woman is subject to compulsion when acting in the presence of her husband is abolished.

Sec. 650. Entrapment.

Entrapment is a defense to proscribed conduct that otherwise would be criminal.

(1) Entrapment occurs when a law enforcement agent induces the commission of an offense, in order to obtain evidence for the purpose of criminal prosecution, by methods creating a substantial risk that the offense would be committed by one not otherwise disposed to commit it. Conduct merely affording the actor an opportunity to commit the offense does not constitute entrapment.

(2) In this section "law enforcement agent" includes personnel of federal, state and local law enforcement agencies and any person cooperating with such agency.

(3) The defense provides by this section is available even though the actor denies commission of the conduct to constitute the offense.

Sec. 670. Definitions for Chapter 6.

(1) "Force" means physical action or threat against another, and includes confinement.

(2) "Deadly physical force" means force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) "Building" means any structure which may be entered and utilized by persons for business, public use, lodging, or the storage of goods, and includes any vehicle, aircraft, or watercraft used for the lodging of persons or carrying on business therein. Each unit of a building consisting of two or more units separately occupied or secured is a separate building.

(4) "Dwelling" means a building which is usually occupied by a person lodging therein at night.

(5) "Premises" includes any "building", as defined herein, and any real property.

Sec. 1001. Criminal Solicitation.

(1) A person is guilty of criminal solicitation if, with the intent that another person engage in conduct constituting a crime, he solicits, requests, commands, or importunes such other person to engage in such conduct.

A person may not be convicted of criminal solicitation upon the uncorroborated testimony of the person allegedly solicited, and there must be proof of circumstances corroborating both the solicitation and the defendant's intent.

(2) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, he (a) notified the person solicited of his renunciation and (b) gave timely and adequate warning to the law enforcement authorities or otherwise made a substantial effort to prevent the commission of the criminal conduct solicited. The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

(3) A person is not liable under this section when his solicitation constitutes conduct of a kind that is necessarily incidental to the commission of the offense solicited. When the solicitation constitutes an offense other than criminal solicitation which is related to but separate from the offense solicited, defendant is guilty of such related offense only and not of criminal solicitation.

(4) It is no defense to a prosecution for criminal solicitation that the person solicited could not be guilty of the offense solicited because of:

(a) Criminal irresponsibility or other legal incapacity or exemption; or

(b) Unawareness of the criminal nature of the conduct solicited or of the defendant's criminal purpose; or

(c) Any other factor precluding the mental state required for the commission of the offense in question.

(5) It is not defense to a prosecution for criminal solicitation that defendant belongs to a class of persons who by definition are legally incapable in an individual capacity of committing the offense that he solicited another to commit.

(6) Criminal solicitation is a:

- (a) Class A felony if the offense solicited is murder.
- (b) Class B felony if the offense solicited is a Class A felony.
- (c) Class C felony if the offense solicited is a Class B felony.
- (d) Class A misdemeanor if the offense solicited is a Class C felony.
- (e) Class B misdemeanor if the offense solicited is a Class A misdemeanor.
- (f) Class C misdemeanor if the offense solicited is a Class B misdemeanor.
- (g) Violation if the offense solicited is a Class C misdemeanor.

Sec. 1005. Attempt.

(1) A person is guilty of an attempt to commit a crime if, with the intent to commit a specific offense, he does any overt act towards the commission of such offense.

(2) It is no defense under this section that the offense charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the defendant believed them to be.

(3) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of this criminal intent, he avoided the commission of the offense attempted by abandoning his criminal effort and, if mere abandonment is insufficient to accomplish such avoidance, by taking further and affirmative steps which prevented the commission thereof. The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

(4) An attempt is a:

- (a) Class A felony if the offense attempted is murder.
- (b) Class B felony if the offense attempted is a Class A felony.
- (c) Class C felony if the offense attempted is a Class B felony.
- (d) Class A misdemeanor if the offense attempted is a Class C felony.
- (e) Class B misdemeanor if the offense attempted is a Class A misdemeanor.

(f) Class C misdemeanor if the offense attempted is a Class B misdemeanor.

(g) Violation if the offense attempted is a Class C misdemeanor.

Sec. 1015. Criminal Conspiracy.

(1) A person is guilty of criminal conspiracy if, with the intent that conduct constituting an offense be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one or more of such persons does an overt act to effect an objective of the agreement.

(2) If a person knows or should know that one with whom he agrees has in turn agreed or will agree with another to effect the same criminal objective, he shall be deemed to have agreed with such other person, whether or not he knows the other's identity.

(3) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of his criminal purpose, he gave a timely and adequate warning to law enforcement authorities or made a substantial effort to prevent the enforcement of the criminal conduct contemplated by the conspiracy. Renunciation by one conspirator, however, does not affect the liability of another conspirator who does not join in the abandonment of the conspiratorial objective. The burden of injecting the issue of renunciation is on the defendant, but this does not shift the burden of proof.

(4) It is no defense to a prosecution for criminal conspiracy that:

(a) The person, or persons, with whom defendant is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, or is immune from prosecution, or

(b) The person, or persons, with whom defendant conspired could not be guilty of the conspiracy or the object crime because of lack of mental responsibility or culpability, or other legal incapacity or defense, or

(c) The defendant belongs to a class of persons who by definition are legally incapable in an individual capacity of committing the offense that is the object of the conspiracy.

(5) A conspirator is not liable under this section if, had the criminal conduct contemplated by the conspiracy actually been performed, he would be immune from liability under the law defining the offense or as an accomplice under § 420.

(6) Liability as Accomplice. Accomplice liability for offenses committed in furtherance of a conspiracy is to be determined as provided in § 415.

(7) Criminal conspiracy is a:

(a) Class A felony if an object of the conspiracy is murder.

(b) Class B felony if an object of the conspiracy is a Class A felony.

(c) Class C felony if an object of the conspiracy is a Class B felony.

(d) Class A misdemeanor if an object of the conspiracy is a Class C felony.

(e) Class B misdemeanor if an object of the conspiracy is a Class A misdemeanor.

(f) Class C misdemeanor if an object of the conspiracy is a Class B misdemeanor.

(g) Violation if an object of the conspiracy is a Class C misdemeanor.

Sec. 1020. Inchoate Crimes: Consummation of the Object Offense; Multiple Convictions.

(1) It is not defense to a prosecution for Criminal Solicitation § 1001, Attempt § 1005, or Criminal Conspiracy § 1015 that the offense solicited, attempted, or conspired was actually committed.

(2) A person may not be convicted on the basis of the same course of conduct of both the actual commission of an offense and:

(a) An attempt to commit the offense; or

(b) Criminal solicitation of the offense; or

(c) Criminal conspiracy of the offense.

(3) A person may not be convicted of more than one of the offenses defined in §§ 1001, 1005, and 1015 for a single course of conduct designed to commit or to cause the commission of the same crime.

Sec. 1201. Applicability of Provisions.

(1) Every person convicted of any offense defined in this Code or defined outside this Code, shall be sentenced by the court in accordance with this chapter, unless otherwise specifically provided by law.

(2) Penal laws enacted after the effective date of this Code shall be classified for punishment purposes in accordance with this chapter.

Sec. 1205. Authorized Dispositions.

(1) Every person convicted of a felony shall be sentenced by the court to imprisonment for a term authorized by §§ 1225, 1235, 1237, and 4606.

(2) In addition to imprisonment, every person convicted of a felony may be sentenced by the court to pay a fine authorized by § 1240.

(3) Every person convicted of a misdemeanor or violation shall be sentenced by the court to:

- (a) Imprisonment for a term authorized by § 1230; or
- (b) Pay a fine authorized by § 1245; or
- (c) Both such imprisonment and fine.

(4) Every person convicted of a felony, misdemeanor or violation may be placed on probation as authorized by law.

(5) This chapter does not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend or cancel a license or permit, remove a person from office, cite for contempt, or impose any other lawful civil penalty. Such judgment, order or decree may be included as part of the sentence.

(6) Every person convicted of murder shall be sentenced by the court to imprisonment for a term, or to death or to life imprisonment without parole as authorized by § 2005(3).

Sec. 1210. Classification of Offenses.

(1) Offenses are designated as felonies, misdemeanors, or violations.

(2) Felonies are classified according to the relative seriousness of the offense into three categories:

- (a) Class A felonies;
- (b) Class B felonies;
- (c) Class C felonies.

(3) Misdemeanors are classified according to the relative seriousness of the offense into three categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;

- (c) Class C misdemeanors.
- (4) Violations are not classified.

Sec. 1215. Designation of Offenses.

(1) The particular classification of each felony defined in this Code, except murder under section 2005, is expressly designated in the chapter defining it. Any offense defined outside this code which is declared by law to be a felony without specification of its classification or punishment is punishable as a Class C felony.

(2) The particular classification of each misdemeanor defined in this code is expressly designated in the chapter defining it. Any offense defined outside this Code which is declared by law to be a misdemeanor without specification as to classification or punishment is punishable as a Class C misdemeanor.

(3) Every violation defined in this Code is expressly designated as such. Any offense defined outside this Code without specification as to punishment or as to felony or misdemeanor is a violation.

Sec. 1220. Presentence investigation.

On motion of the court or written motion of either party, the court shall require a written report of a presentence investigation of a defendant convicted of a felony, and such defendant shall not be sentenced or otherwise disposed of before such report has been presented to and considered by the court.

Sec. 1225. Sentences of Imprisonment for Felonies.

(1) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

(a) For a Class A felony, for life or not more than 99 years or less than 10 years.

(b) For a Class B felony, not more than 20 years or less than 2 years.

(c) For a Class C felony, not more than 10 years or less than 1 year and 1 day.

(2) The actual time of release within the limitations established by subsection (1) shall be determined under procedures established elsewhere by law.

Sec. 1230. Sentences of Imprisonment for Misdemeanors and Violations.

(1) Sentences for misdemeanors shall be a definite term of imprisonment, within the following limitations:

- (a) For a Class A misdemeanor, not more than 1 year.
- (b) For a Class B misdemeanor, not more than 6 months.
- (c) For a Class C misdemeanor, not more than 3 months.

(2) Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.

Sec. 1232. Place of Imprisonment.

The place of imprisonment for sentences imposed in this state shall be as established elsewhere by law.

Sec. 1235. Penalties for Habitual Felony Offenders.

(1) For any felony committed by a defendant after he had been convicted and sentenced for any previously committed felony, the maximum term of imprisonment to which he may be sentenced shall be five years greater than specified in Section 1225(1).

(2) The provisions of this section are discretionary.

Sec. 1237. Habitual Offenders; Proof; Restriction.

(1) The court may conduct a hearing upon the issue of whether a defendant is a repeat or habitual offender under § 1235, according to procedures established by rule of court.

(2) Section 1235 does not apply to a corporation.

Sec. 1240. Fines for Felonies.

(1) A sentence to pay a fine for a felony shall be for a definite amount, fixed by the court, within the following limitations:

- (a) For a Class A felony, not more than \$20,000;
- (b) For a Class B felony, not more than \$10,000;
- (c) For a Class C felony, not more than \$5,000; or
- (d) Any amount not exceeding double the pecuniary gain

to the defendant or loss to the victim caused by the commission of the offense.

(2) As used in this section "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in § 3201(m).

(3) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.

Sec. 1245. Fines for Misdemeanors and Violations.

(1) A sentence to pay a fine for a misdemeanor shall be for a definite amount, fixed by the court, within the following limitations:

- (a) For a Class A misdemeanor, not more than \$2,000.
- (b) For a Class B misdemeanor, not more than \$1,000.
- (c) For a Class C misdemeanor, not more than \$500.

(2) A sentence to pay a fine for a violation shall be for a definite amount, fixed by the court, not to exceed \$200.

(3) If a defendant has gained money or property or caused a loss to the victim through the commission of any misdemeanor or violation, then the court in lieu of imposing a fine authorized under one of the above subsections, may sentence the defendant to pay an amount not exceeding double the amount of the gain or loss. In that event the provisions of § 1240(2) and (3) apply.

Sec. 2001. Definition of Terms.

(1) A person commits criminal homicide if he intentionally, knowingly, recklessly, or with criminal negligence causes the death of another person.

(2) "Person", when referring to the victim of a criminal homicide, means a human being who had been born and was alive at the time of the homicidal act.

(3) "Criminal homicide" is murder, manslaughter, or criminally negligent homicide.

Sec. 2005. Murder.

(1) A person commits the crime of murder if:

(a) With intent to cause the death of another person, he causes the death of that person or of another person; or

(b) Under circumstances manifesting extreme indifference to human life, he recklessly engages in conduct which creates a grave risk of death to a person other than himself, and thereby causes the death of another person; or

(c) He commits or attempts to commit arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, or

any other felony clearly dangerous to human life, and in the course of and in furtherance of the crime that he is committing or attempting to commit, or in immediate flight therefrom, he, or another participant if there be any, causes the death of any person.

(2) A person does not commit murder under subparagraphs (1)(a) or (b) if he was moved to act by a sudden heat of passion caused by provocation recognized by law, and before there had been a reasonable time for the passions to cool and for reason to reassert itself. The burden of injecting the issue of killing under legal provocation is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for, or preclude a conviction of, manslaughter or other crime.

(3) Murder is punishable by imprisonment in the penitentiary for not less than 10 years to life; provided, however, that the punishment for murder or any offense committed under aggravated circumstances as provided by Act No. 213, H. 212, Acts of Alabama 1975, Regular Session, is death or life imprisonment without parole, which punishment shall be determined and fixed as provided by said Act No. 213, or any amendments thereto.

Sec. 2010. Manslaughter.

(1) A person commits the crime of manslaughter if:

(a) He recklessly causes the death of another person, or

(b) He causes the death of another person under circumstances that would constitute murder under § 2005, except that he causes the death due to a sudden heat of passion caused by provocation recognized by law, and before a reasonable time for the passion to cool and for reason to reassert itself.

(2) Manslaughter is a Class C felony.

Sec. 2015. Criminally Negligent Homicide.

(1) A person commits the crime of criminally negligent homicide if:

(a) He causes the death of another person by criminal negligence; or

(b) He intentionally or recklessly causes the death of another person in the good faith but unreasonable belief that one or more grounds for justification exist under Chapter 6.

(2) The jury may consider statutes and ordinances regulating the actor's conduct in determining whether he is culpably negligent under subparagraph (1).

(3) Criminally negligent homicide is a Class A misdemeanor.

Sec. 2101. Assault in the First Degree.

(1) A person commits the crime of assault in the first degree if:

(a) With intent to cause serious physical injury to another person, he causes serious physical injury to any person by means of a deadly weapon or a dangerous instrument; or

(b) With intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such an injury to any person; or

(c) Under circumstances manifesting extreme indifference to the value of human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to any person; or

(d) In the course of and in furtherance of the commission or attempted commission of arson in the first degree, burglary in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree, or any other felony clearly dangerous to human life, or of immediate flight therefrom, he causes serious physical injury to another person.

(2) Assault in the first degree is a Class B felony.

Sec. 2102. Assault in the Second Degree.

(1) A person commits the crime of assault in the second degree if:

(a) With intent to cause serious physical injury to another person, he causes serious physical injury to any person; or

(b) With intent to cause physical injury to another person, he causes physical injury to any person by means of a deadly weapon or a dangerous instrument; or

(c) He recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or

(d) For a purpose other than lawful medical or therapeutic treatment, he intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him, without his consent,

a drug, substance or preparation capable of producing the intended harm.

(2) Assault in the second degree is a Class C felony.

Sec. 2103. Assault in the Third Degree.

(1) A person commits the crime of assault in the third degree if:

(a) With intent to cause physical injury to another person, he causes physical injury to any person; or

(b) He recklessly causes physical injury to another person; or

(c) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or

(d) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.

(2) Assault in the third degree is a Class A misdemeanor.

Sec. 2110. Menacing.

(1) A person commits the crime of menacing if, by physical action, he intentionally places or attempts to place another person in fear of imminent serious physical injury.

(2) Menacing is a Class B misdemeanor.

Sec. 2115. Reckless Endangerment.

(1) A person commits the crime of reckless endangerment if he recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.

(2) Reckless endangerment is a Class A misdemeanor.

Sec. 2125. Criminal Coercion.

(1) A person commits the crime of criminal coercion if, without legal authority, he threatens to confine, restrain, or to cause physical injury to the threatened person or another, or to damage the property or reputation of the threatened person or another with intent thereby to induce the threatened person or another against his will to do an unlawful act or refrain from doing a lawful act.

(2) Criminal Coercion is a Class A misdemeanor.

Sec. 2201. Definition of Terms.

The following definitions apply in this chapter:

(1) "Restrain" means to intentionally or knowingly restrict a person's movements unlawfully and without consent, so as to interfere substantially with his liberty by moving him from one place to another, or by confining him either in the place where the restriction commences or in a place to which he has been moved. Restraint is "without consent" if it is accomplished by:

(a) Physical force, intimidation or deception, or

(b) Any means, including acquiescence of the victim, if he is a child less than 16 years old or an incompetent person and the parent, guardian, or other person or institution having lawful control or custody of him has not acquiesced in the movement or confinement.

(2) "Abduct" means to restrain a person with intent to prevent his liberation by either:

(a) Secreting or holding him in a place where he is not likely to be found, or

(b) Using or threatening to use deadly physical force.

(3) "Relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, or other lawful custodian, including an adoptive relative of the same degree through marriage or adoption.

Sec. 2205. Unlawful Imprisonment in the First Degree.

(1) A person commits the crime of unlawful imprisonment in the first degree if he restrains another person under circumstances which expose the latter to a risk of serious physical injury.

(2) Unlawful imprisonment in the first degree is a Class A misdemeanor.

Sec. 2206. Unlawful Imprisonment in the Second Degree.

(1) A person commits the crime of unlawful imprisonment in the second degree if he restrains another person.

(2) A person does not commit a crime under this section if:

(a) The person restrained is a child less than 18 years old, and

(b) The actor is a relative of the child, and

(c) The actor's sole purpose is to assume lawful control of the child.

The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

(3) Unlawful imprisonment in the second degree is a Class C misdemeanor.

Sec. 2210. Kidnapping in the First Degree.

(1) A person commits the crime of kidnapping in the first degree if he abducts another person with intent to

(a) Hold him for ransom or reward; or

(b) Use him as a shield or hostage; or

(c) Accomplish or aid the commission of any felony or flight therefrom; or

(d) Inflict physical injury upon him, or to violate or abuse him sexually; or

(e) Terrorize him or a third person; or

(f) Interfere with the performance of any governmental or political function.

(2) A person does not commit the crime of kidnapping in the first degree if he voluntarily releases the victim alive, and not suffering from serious physical injury, in a safe place prior to apprehension. The burden of injecting the issue of voluntary safe release is on the defendant, but this does not shift the burden of proof. This subsection does not apply to a prosecution for or preclude a conviction of kidnapping in the second degree or any other crime.

(3) Kidnapping in the first degree is a Class A felony.

Sec. 2211. Kidnapping in the Second Degree.

(1) A person commits the crime of kidnapping in the second degree if he abducts another person.

(2) A person does not commit a crime under this section if:

(a) The abduction is not coupled with intent to use or to threaten to use deadly force,

(b) The actor is a relative of the person abducted, and

(c) The actor's sole purpose is to assume lawful control of that person.

The burden of injecting the issue of defense under this subsection (2) of this section is on the defendant, but this does not shift the burden of proof.

(3) Kidnapping in the second degree is a Class B felony.

Sec. 2215. Interference with Custody.

(1) A person commits the crime of interference with custody if he knowingly takes or entices:

(a) Any child under the age of 18 from the lawful custody of its parent, guardian, or other lawful custodian, or

(b) Any committed person from the lawful custody of its parent, guardian or other lawful custodian. "Committed person" means, in addition to anyone committed under judicial warrant, any neglected, dependent or delinquent child, mentally defective or insane person, or any other incompetent person entrusted to another's custody by authority of law.

(2) A person does not commit a crime under this section if:

(a) The actor is a relative of the child, and

(b) The actor's sole purpose is to assume lawful control of the child

The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

(3) Interference with custody is a Class A misdemeanor.

Sec. 2301. Definitions.

The following definitions apply in this chapter:

(a) "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight; emission is not required.

(b) "Deviate sexual intercourse" means any act of sexual gratification between persons not married to each other, involving the sex organs of one person and the mouth or anus of another.

(c) "Sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor, done for the purpose of gratifying the sexual desire of either party.

(d) "Female" means any female person who is not married to the actor. Persons living together in cohabitation are married for purposes of this chapter, regardless of the legal status of their relationship otherwise.

(e) "Mentally defective" means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

(f) "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other incapacitating act committed upon him without his consent.

(g) "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(h) "Forcible compulsion" means physical force that overcomes earnest resistance or a threat, express or implied, that places a person in fear of immediate death or serious injury to himself or another person.

Sec. 2310. Rape in the First Degree.

(1) A male commits the crime of rape in the first degree if:

(a) He engages in sexual intercourse with a female by forcible compulsion; or

(b) He engages in sexual intercourse with a female who is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) He, being 16 years or older, engages in sexual intercourse with a female who is less than 12 years old.

(2) Rape in the first degree is a Class A felony.

Sec. 2311. Rape in the Second Degree.

(1) A male commits the crime of rape in the second degree if:

(a) Being 16 years old or older, he engages in sexual intercourse with a female less than 16 and more than 12 years old, provided, however, the actor is at least two years older than the female.

(b) He engages in sexual intercourse with a female who is incapable of consent by reason of being mentally defective.

(c) A person does not commit a crime under section 2311 if he does not know or has no reason to believe the female to be less than 16 years of age or to be mentally defective. The burden of injecting this defense is on the defendant, but this does not shift the burden of proof.

(2) Rape in the second degree is a Class C felony.

Sec. 2315. Sodomy in the First Degree.

(1) A person commits the crime of sodomy in the first degree if:

(a) He engages in deviate sexual intercourse with another person by forcible compulsion; or

(b) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) He, being 16 years old or older, engages in deviate sexual intercourse with a person who is less than 12 years old.

(2) Sodomy in the first degree is a Class A felony.

Sec. 2316. Sodomy in the Second Degree.

(1) A person commits the crime of sodomy in the second degree if:

(a) He, being 16 years old or older, engages in deviate sexual intercourse with another person less than 16 and more than 12 years old.

(b) He engages in deviate sexual intercourse with a person who is incapable of consent by reason of being mentally defective.

(2) Sodomy in the second degree is a Class C felony.

(3) The offense described in this section is mitigated to the Class A misdemeanor of sexual misconduct if the defendant does not know or has no reason to believe the other person to be less than 16 years of age or mentally defective. The burden of injecting this defense is on the defendant, but this does not shift the burden of proof.

Sec. 2318. Sexual Misconduct.

(1) A person commits the crime of sexual misconduct if:

(a) Being a male, he engages in sexual intercourse with a female without her consent, under circumstances other than those covered by §§ 2310, 2311; or with her consent where consent was obtained by the use of any fraud or artifice; or

(b) Being a female, she engages in sexual intercourse with a male without his consent; or

(c) He or she engages in deviate sexual intercourse with another person under circumstances other than those covered by §§ 2315, 2316. Consent is no defense to prosecution under this subparagraph.

- (2) Sexual misconduct is a Class A misdemeanor.

Sec. 2320. Sexual Abuse in the First Degree.

(1) A person commits the crime of sexual abuse in the first degree if:

(a) He subjects another person to sexual contact by forcible compulsion; or

(b) He subjects another person to sexual contact who is incapable of consent by reason of being physically helpless or mentally incapacitated; or

(c) He, being 16 years old or older, subjects another person to sexual contact who is less than 12 years old.

- (2) Sexual abuse in the first degree is a Class C felony.

Sec. 2321. Sexual Abuse in the Second Degree.

(1) A person commits the crime of sexual abuse in the second degree if:

(a) He subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; or

(b) He, being 19 years old or older, subjects another person to sexual contact who is less than 16 years old, but more than 12 years old.

(2) Sexual abuse in second degree is a Class A misdemeanor.

Sec. 2325. Indecent Exposure.

(1) A person commits the crime of indecent exposure if, with intent to arouse or gratify sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm in any public place or on the private premises of another or so near thereto as to be seen from such private premises.

- (2) Indecent exposure is a Class A misdemeanor.

Sec. 2330. Lack of Consent.

(1) Whether or not specifically stated, it is an element of every offense defined in this chapter, with the exception of § 2318(1)(c), that the sexual act was committed without consent of the victim.

- (2) Lack of consent results from:

(a) Forcible compulsion; or

(b) Incapacity to consent; or

(c) If the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.

(3) A person is deemed incapable of consent if he is:

(a) Less than 16 years old; or

(b) Mentally defective; or

(c) Mentally incapacitated; or

(d) Physically helpless.

Sec. 2601. Definition of Terms.

The following definitions are applicable to this chapter:

(1) "Premises" includes any "building", as herein defined, and any real property.

(2) "Building" means any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, and includes any vehicle, aircraft or watercraft used for the lodging of persons or carrying on business therein. Where a building consists of two or more units separately occupied or secured each shall be deemed both a separate building and a part of the main building.

(3) "Dwelling" means a building which is used or normally used by a person for sleeping, living, or lodging therein.

(4) "Enter or remain unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not licensed, invited or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privileges unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner.

Sec. 2605. Criminal Trespass in the First Degree.

(1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a dwelling.

(2) Criminal trespass in the first degree is a Class A misdemeanor.

Sec. 2606. Criminal Trespass in the Second Degree.

(1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in a building or upon real property which is fenced or enclosed in a manner designed to exclude intruders.

(2) Criminal trespass in the second degree is a Class C misdemeanor.

Sec. 2607. Criminal Trespass in the Third Degree.

(1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.

(2) Criminal trespass in the third degree is a violation.

Sec. 2610. Burglary in the First Degree.

(1) A person commits the crime of burglary in the first degree if he knowingly and unlawfully enters a dwelling with intent to commit theft or felony therein, and, if, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime:

(a) Is armed with explosives or a deadly weapon; or

(b) Causes physical injury to any person who is not a participant in the crime; or

(c) Causes or threatens immediate physical injury by use of a dangerous instrument.

(2) Burglary in the first degree is a Class A felony.

Sec. 2611. Burglary in the Second Degree.

(1) A person commits the crime of burglary in the second degree if he knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein, and, if in effecting entry, or while in the building or in immediate flight therefrom, he or another participant in the crime:

(a) Is armed with explosives or a deadly weapon; or

(b) Causes physical injury to any person who is not a participant in the crime; or

(c) Causes or threatens immediate physical injury by use of a dangerous instrument.

(2) Burglary in the second degree is a Class B felony.

Sec. 2612. Burglary in the Third Degree.

(1) A person commits the crime of burglary in the third degree if he knowingly enters or remains unlawfully in a building with intent to commit a crime therein involving violence to a person or loss or destruction of property.

(2) Burglary in the third degree is a Class A misdemeanor.

Sec. 2615. Possession of Burglar's Tools:

(1) A person commits the crime of possession of burglar's tools if he:

(a) Possesses any explosive, tool, instrument, or other article adapted, designed, or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking; and

(b) Intends to use the thing possessed in the commission of an offense of the nature described in subparagraph (a).

(2) Possession of burglar's tools is a Class C felony.

Sec. 2701. Definitions.

The definitions contained in § 2801 and § 3280 are applicable in this chapter unless the context otherwise requires.

Sec. 2705. Criminal Mischief in the First Degree.

(1) A person commits the crime of criminal mischief in the first degree if, with intent to damage property, and having no right to or any reasonable ground to believe that he has such a right, he inflicts damages to property:

(a) In an amount exceeding \$1,000; or

(b) By means of an explosion.

(2) Criminal mischief in the first degree is a Class C felony.

Sec. 2706. Criminal Mischief in the Second Degree.

(1) A person commits the crime of criminal mischief in the second degree if, with intent to damage property, and having no right to do so or any reasonable ground to believe that he has such a right, he inflicts damages to property in an amount which exceeds \$250 but does not exceed \$1,000.

(2) Criminal mischief in the second degree is a Class A misdemeanor.

Sec. 2707. Criminal Mischief in the Third Degree.

(1) A person commits the crime of criminal mischief in the third degree if, with intent to damage property, and having no right to do so or any reasonable ground to believe that he has such a right, he inflicts damages to property in an amount not exceeding \$250.

(2) Criminal mischief in the third degree is a Class B misdemeanor.

Sec. 2710. Criminal Tampering: Definition of Terms.

The following definitions apply to §§ 2711 and 2712.

(a) To "tamper" means to improperly interfere, meddle with, or make an unwarranted alteration in the condition of property of another.

(b) "Property", as used in the context of §§ 2711 and 2712, means any tangible or intangible property, real or personal, public or private, and includes the commodities and services of a utility nature, such as gas, electricity, steam, and water.

(c) "Utility" means an enterprise which provides gas, electric, steam, water, sewage, transportation, or communication services, and any institution that provides health and safety protection or other public services; it may be either publicly or privately owned.

Sec. 2711. Criminal Tampering in the First Degree.

(1) A person commits the crime of criminal tampering in the first degree if, having no right to do so or any reasonable ground to believe that he has such a right, he intentionally causes substantial interruption or impairment of a service rendered to the public by a utility.

(2) Criminal tampering in the first degree is a Class C felony.

Sec. 2712. Criminal Tampering in the Second Degree.

(1) A person commits the crime of criminal tampering in the second degree if, having no right to do so or any reasonable ground to believe that he has such a right, he:

(a) Intentionally tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

(b) Intentionally tampers or makes connection with property of a utility.

(2) Criminal tampering in the second degree is a Class B misdemeanor.

Sec. 2715. Criminal Use of a Noxious Substance.

(1) A person commits the crime of criminal use of a noxious substance if he knowingly deposits on the land or in the building or vehicle of another, without his consent, any stink bomb or devise, irritant, or offensive-smelling substance, with the intent to interfere with another's use of the land, building or vehicle.

(2) Criminal use of a noxious substance is a Class A misdemeanor.

Sec. 2720. Criminal Possession of Noxious Substances.

(1) A person commits the crime of criminal possession of noxious substances if he possesses, manufactures or transports any stink bomb or devise, irritant, offensive-smelling, or injurious substance, and intends that the injurious article or substance be used in the commission of any crime.

(2) Criminal possession of noxious substances is a Class A misdemeanor.

Sec. 2725. Criminal Littering.

(1) A person commits the crime of criminal littering if he:

(a) Knowingly deposits in any manner litter on any public or private property or in any public or private waters, having no permission to do so; or

(b) Negligently deposits in any manner glass or other dangerously pointed or edged objects on or adjacent to water to which the public has lawful access for bathing, swimming, or fishing, or on or upon a public highway, or within the right of way thereof; or

(c) Discharges sewage, oil products or litter from a watercraft vessel of more than 25 feet in length into a river, inland lake or stream within the state or within three miles of the shoreline of the state; or

(d) (i) Drops or permits to be dropped or thrown upon any highway any destructive or injurious material and does not immediately remove the same or cause it to be removed; or

(ii) Removes a wrecked or damaged vehicle from a highway and does not remove glass or other injurious substance dropped upon the highway from such vehicle.

(2) "Litter" means rubbish, refuse, waste material, gar-

bage, dead animals or fowls, offal, paper, glass, cans, bottles, trash, scrap metal, debris or any foreign substance of whatever kind and description, and whether or not it is of value.

(3) It is no defense under subsections (1)(c) and (1)(d) that the actor did not intend, or was unaware of, the act charged.

(4) Criminal littering is a Class C misdemeanor.

Sec. 2801. Definitions.

(1) As used in this chapter, "building" means any structure which may be entered and utilized by persons for business, public use, lodging, or the storage of goods, and includes any vehicle, railway car, aircraft, or watercraft used for the lodging of persons or for carrying on business therein. Where a building consists of two or more units separately secured or occupied, each unit shall not be deemed a separate building.

(2) "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by detonator, or by chemical action of any part of the compound or mixture may cause a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

(3) "Explosion" means a rapid, sudden, and violent expansion of air or relinquishment of energy with resultant pressures that are capable of producing destructive effects on contiguous objects or of destroying life or limb. "Explosion" includes, but is not limited to, a sudden and rapid combustion, causing violent expansion of the air, or the sudden bursting or breaking up or in pieces from an internal or other force; "explosion" is not limited to cases caused by combustion or fire, but it may result from decomposition or chemical action.

Sec. 2805. Arson in the First Degree.

(1) A person commits the crime of arson in the first degree if he intentionally damages a building by starting or maintaining a fire or causing an explosion, and when:

(a) Another person is present in such building at the time, and

(b) The actor knows that fact, or the circumstances are such as to render the presence of a person therein a reasonable possibility.

(2) Arson in the first degree is a Class A felony.

Sec. 2806. Arson in the Second Degree.

(1) A person commits the crime of arson in the second degree if he intentionally damages a building by starting or maintaining a fire or causing an explosion.

(2) A person does not commit a crime under this section if:

(a) No person other than himself has a possessory or proprietary interest in the building damaged; or if other persons have those interests, all of them consented to his conduct; and

(b) His sole intent was to destroy or damage the building for a lawful and proper purpose.

(3) The burden of injecting the issue of justification in subsection (2) is on the defendant, but this does not shift the burden of proof.

(4) Arson in the second degree is a Class B felony.

Sec. 2807. Arson in the Third Degree.

(1) A person commits the crime of arson in the third degree if he recklessly damages a building by a fire or an explosion.

(2) A person does not commit a crime under this section if no person other than himself has a possessory or proprietary interest in the damaged building.

(3) The burden of injecting the issue of justification in subsection (2) is on the defendant, but this does not shift the burden of proof.

(4) Arson in the third degree is a Class A misdemeanor.

Sec. 2810. Criminal Possession of Explosives.

(1) A person commits the crime of criminal possession of explosives if he possesses, manufactures, buys, sells or transports an explosive, and intends that the explosive be used in the commission of a crime involving violence to another person or destruction of another's property.

(2) Criminal possession of explosives is a Class C felony.

Sec. 3201. Theft of Property: Definition.

A person commits the crime of theft of property if he:

(a) Knowingly obtains or exerts unauthorized control

over the property of another, with intent to deprive the owner of his property; or

(b) Knowingly obtains by deception control over the property of another, with intent to deprive the owner of his property.

Sec. 3202. Theft of Property in the First Degree.

(1) The theft of property which exceeds \$1,000 in value, or property of any value taken from the person of another, constitutes theft of property in the first degree.

(2) Theft of property in the first degree is a Class B felony.

Sec. 3203 Theft of Property in the Second Degree.

(1) The theft of property which exceeds \$250 in value but does not exceed \$1,000 in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

(2) Theft of property in the second degree is a Class C felony.

(3) The theft of a credit card, regardless of its value, constitutes theft of property in the second degree.

(4) The theft of a firearm, rifle or shotgun, regardless of its value, constitutes theft of property in the second degree.

(5) The theft of property which exceeds \$25 in value, and which is taken from or in a building where said property is sold or stored, constitutes theft of property in the second degree.

Sec. 3204. Theft of Property in the Third Degree.

(1) The theft of property which does not exceed \$250 in value and which is not taken from the person of another or the theft of property which does not exceed \$25 in value if taken from or in a building where said property is sold or stored constitutes theft of property in the third degree.

(2) Theft of property in the third degree is a class A misdemeanor.

Sec. 3205. Theft of Lost Property: Definition.

(1) A person commits the crime of theft of lost property if he actively obtains or exerts control over the property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature of amount of the property, and with intent

to deprive the owner permanently of it, he fails to take reasonable measures to discover and notify the owner.

Sec. 3206. Theft of Lost Property in the First Degree.

(1) The theft of post property which exceeds \$1,000 in value constitutes theft of lost property in the first degree.

(2) Theft of lost property in the first degree is a Class B felony.

Sec. 3207. Theft of Lost Property in the Second Degree.

(1) The theft of lost property which exceeds \$250 in value but does not exceed \$1,000 in value constitutes theft of lost property in the second degree.

(2) Theft of lost property in the second degree is a Class C felony.

Sec. 3208. Theft of Lost Property in the Third Degree.

(1) The theft of lost property which does not exceed \$250 in value constitutes theft of lost property in the third degree.

(2) Theft of lost property in the third degree is a Class A misdemeanor.

Sec. 3210. Theft of Services: Definition.

(1) A person commits the crime of theft of services if:

(a) He intentionally obtains services known by him to be available only for compensation by deception, threat, false token or other means to avoid payment for the services; or

(b) Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled thereto.

(2) "Services" includes but is not necessarily limited to labor, professional services, transportation, telephone or other public services, accommodation in motels, hotels, restaurants or elsewhere, admission to exhibitions, computer services, and the supplying of equipment for use.

(3) Where compensation for services is ordinarily paid immediately upon the rendering of them, as in the case of motels, hotels, restaurants and the like, absconding without payment or bona fide offer to pay is prima facie evidence under subsection (1) that the services were obtained by deception.

(4) If services are obtained under subparagraph (1)(a)

from a hotel, motel, inn, restaurant or cafe, no prosecution can be maintained after 120 days from the time of the offense.

(5) Theft of services is a Class A misdemeanor.

Sec. 3225. Unauthorized Use of Vehicle.

(1) A person commits the crime of unauthorized use of a vehicle if:

(a) Knowing that he does not have the consent of the owner, he takes, operates, exercises control over, or otherwise uses a propelled vehicle; or

(b) Having custody of a propelled vehicle pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of the vehicle, he intentionally uses or operates it, without the consent of the owner, for his own purpose in a manner constituting a gross deviation from the agreed purpose; or

(c) Having custody of a propelled vehicle pursuant to an agreement with the owner thereof whereby it is to be returned to the owner at a specified time, he knowingly retains or withholds possession thereof, without the consent of the owner, for so lengthy a period beyond the specified time as to render the retention or possession a gross deviation from the agreement.

(2) Unauthorized use of a vehicle is a Class A misdemeanor, except that if a person by force or threat of force takes, operates, usurps or exercises control over a propelled vehicle with an operator or one or more passengers aboard he is guilty of a Class B felony.

Sec. 3230. Defenses.

It is a defense to a prosecution under § 3201 through 3225 of this chapter (Theft of Property, Theft of Lost Property, Theft of Services, Unauthorized Use of Vehicle) that the actor:

(a) Was unaware that the property was that of another; or

(b) Honestly believed that he had a claim to the property or services involved which he was entitled to assert in the manner which forms the basis for the charge against him.

The burden of injecting the issue of claim of right is on the defendant, but this does not shift the burden of proof.

Sec. 3235. Extortion: Definition.

A person commits the crime of extortion if he knowingly

obtains by threat control over the property of another, with intent to deprive him of the property.

Sec. 3236. Extortion in the First Degree.

(1) Extortion by means of a threat as defined in § 3280(13)(a) or (c) constitutes extortion in the first degree.

(2) Extortion in the first degree is a Class B felony.

Sec. 3237. Extortion in the Second Degree.

(1) Extortion by means of a threat as defined in § 3280(13)(b) or (d) through (k) constitutes extortion in the second degree.

(2) A person is not liable under this section for a threat as defined in § 3280(13)(e) if he honestly claims the property as restitution or indemnification for harm done in the circumstances to which the threat relates, or as compensation for property or lawful services. The burden of injecting the issue of claim of right is on the defendant, but this does not shift the burden of proof.

(3) Extortion in the second degree is a Class C felony.

Sec. 3240. Receiving Stolen Property: Definition.

(1) A person commits the crime of receiving stolen property if he intentionally receives, retains, or disposes of stolen property knowing that it has been stolen or believing that in all likelihood it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.

(2) If a person:

(a) On two separate occasions within a year prior to the commission of the instant offense of receiving stolen property is found in possession or control of stolen property; or

(b) Regularly buys, sells, uses, or handles in the course of business property of the sort received, and acquired the property without making reasonable inquiry whether the person selling or delivering the property to him had a legal right to do so, this shall be prima facie evidence that he has the requisite knowledge or belief.

(3) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of receiving stolen property.

Sec. 3241. Receiving Stolen Property in the First Degree.

(1) Receiving stolen property which exceeds \$1,000 in value constitutes receiving stolen property in the first degree.

(2) Receiving stolen property in the first degree is a Class B felony.

Sec. 3242. Receiving Stolen Property in the Second Degree.

(1) Receiving stolen property:

(a) Which exceeds \$250 in value but does not exceed \$1,000 in value; or

(b) Of any value under the circumstances described in § 3240(2)(b);

constitutes receiving stolen property in the second degree.

(2) Receiving stolen property in the second degree is a Class C felony.

Sec. 3243. Receiving Stolen Property in the Third Degree.

(1) Receiving stolen property which does not exceed \$250 in value constitutes receiving stolen property in the third degree.

(2) Receiving stolen property in the third degree is a Class A misdemeanor.

Sec. 3250. Obscuring Identity of Vehicle.

(1) A person commits the crime of obscuring identity of a vehicle if:

(a) He obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle or component part thereof, except tires, with intent to render it unidentifiable; or

(b) He possesses a vehicle or component part thereof knowing that the manufacturer's serial number or other identification number or mark has been obscured unless he legally acquired ownership of the vehicle or part before the manufacturer's serial number was obscured or before he knew it was obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) "Vehicle" means any propelled device in, upon, or by which any person or property is transported on land, water, or in the air, including stationary rails or tracks, and includes motor vehicles, motorboats, vessels, and aircraft.

(4) Proof that a person has obscured the manufacturer's serial number or other distinguishing identification number or mark on a vehicle is prima facie evidence that he did so with the intent to render it unidentifiable within the meaning of subparagraph (1)(a).

(5) Possession of a vehicle held for sale in the course of business on which the serial number or other identification number or mark has been obscured is *prima facie* evidence of knowledge of that fact.

(6) A report by the defendant to the police or other appropriate government agency before arrest is a defense to a charge of violating subparagraph (1)(b). The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

(7) Obscuring identity of a vehicle is a Class A misdemeanor.

Sec. 3280. Definitions for Chapter 32.

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Deception" occurs when a person knowingly:

(a) Creates or confirms another's impression which is false and which the defendant does not believe to be true; or

(b) Fails to correct a false impression which the defendant previously had created or confirmed; or

(c) Fails to correct a false impression when the defendant is under a duty to do so; or

(d) Prevents another from acquiring information pertinent to the disposition of the property involved; or

(e) Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property when the defendant is under a duty to do so, whether that impediment is or is not valid, or is not a matter of official record; or

(f) Promises performance which the defendant does not intend to perform or knows will not be performed. Failure to perform standing alone, however, is not proof that the defendant did not intend to perform.

The term "deception" does not however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons. "Puffing" means an exaggerated commendation of wares or services.

(2) To "deprive . . ." means:

(a) To withhold property or cause it to be withheld from a person permanently or for such period or under such circumstances that all or a portion of its use or benefit would be lost to him; or

(b) To dispose of the property so as to make it unlikely that the owner would recover it; or

(c) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(d) To sell, give, pledge, or otherwise transfer any interest in the property;

(e) To subject the property to the claim of a person other than the owner.

(3) "Financial institution" means a bank, insurance company, credit union, safety deposit company, savings and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

(4) "Firearm" means a weapon from which a shot is discharged by gunpowder.

(5) "Government" means the United States, any state or any county, municipality or other political unit within territory belonging to the United States, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government, or any corporation or agency formed pursuant to interstate compact or international treaty.

As used in this definition "State" includes any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) "Obtains" means:

(a) In relation to property, to bring about a transfer or purported transfer of a legally recognized interest in the property, whether to the obtainer or another; or

(b) In relation to labor or service, to secure performance thereof.

(7) "Obtains or exerts control" or "obtains or exerts unauthorized control" over property includes but is not necessarily limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property, and includes but is not necessarily limited to conduct heretofore defined or known as common-law larceny by trespassory taking, common-law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

(8) "Owner" means a person, other than the defendant, who has possession of or any interest in the property involved, even though that interest or possession is unlawful, and without whose consent the defendant has no authority to exert control over the property.

A secured party as defined in § 9-105(i) of the Uniform Commercial Code is not an owner in relation to a defendant who is a debtor, as defined in § 9-105(d) of the Uniform Commercial Code, in respect of property in which the secured party has a security interest, as defined in § 1-201(37) of the Uniform Commercial Code.

(9) "Propelled vehicle" means any propelled device in, upon, or by which any person or property is transported by land, water, or in the air, and includes motor vehicles, motorcycles, motorboats, aircraft, and any vessel propelled by machinery whether or not that machinery is the principal source of propulsion.

(10) "Property" means any money, tangible or intangible personal property, property (whether real or personal) the location of which can be changed (including things growing on, affixed to, or found in land and documents although the rights represented hereby have no physical location), contract right, chose-in-action, interest in or claim to wealth, credit, or any other article or thing of value of any kind.

Commodities of a public utility nature such as gas, electricity, steam and water constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment shall be deemed a rendition of a service rather than a sale or delivery of property. (See § 3210(2) Theft of Services.)

(11) "Receiving" includes but is not limited to acquiring possession, control, or title and taking a security interest in the property.

(12) "Stolen" means obtained by theft, theft by appropriating lost property, robbery, or extortion.

(13) "Threat" means a menace, however communicated to:

- (a) Cause physical harm to the person threatened or to any other person; or
- (b) Cause damage to property; or
- (c) Subject the person threatened or any other person to physical confinement or restraint; or
- (d) Engage in other conduct constituting a crime; or

(e) Accuse any person of a crime or cause criminal charges to be instituted against any person; or

(f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule; or

(g) Reveal any information sought to be concealed by the person threatened; or

(h) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(i) Take action as an official against anyone or anything; or withhold official action, or cause such action or withholding; or

(j) Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(k) Do any other act which would not in itself substantially benefit the actor but which is calculated to harm substantially another person with respect to his health, safety, business, calling, career, financial condition, reputation, or personal relationships.

(14) "Value" means the market value of the property at the time and place of the criminal act.

Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities shall be evaluated as follows:

(a) The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.

(b) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

When the value of property cannot be ascertained pursuant to the standards set forth above, its value shall be deemed to be an amount not exceeding \$250.

Amounts involved in thefts committed pursuant to one

scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense provided, however, that only one conviction may be had and only one sentence enforced for all thefts included in such aggregate.

Sec. 3301. Definition of Terms.

(1) The definitions contained in § 3280 are applicable to this chapter unless the context otherwise requires.

(2) "In the course of committing a theft" embraces acts which occur in an attempt to commit or the commission of theft, or in immediate flight after the attempt or commission.

Sec. 3305. Robbery in the First Degree.

(1) A person commits the crime of robbery in the first degree if he violates § 3307 and he:

(a) Is armed with a deadly weapon or dangerous instrument; or

(b) Causes serious physical injury to another.

(2) Possession then and there of an article used or fashioned in a manner to lead any person who is present reasonably to believe it to be a deadly weapon or dangerous instrument, or any verbal or other representation by the defendant that he is then and there so armed, is prima facie evidence under subsection (1) herein that he was so armed.

(3) Robbery in the first degree is a Class A felony.

Sec. 3306. Robbery in the Second Degree.

(1) A person commits the crime of robbery in the second degree if he violates § 3307 and he is aided by another person actually present.

(2) Robbery in the second degree is a Class B felony.

Sec. 3307. Robbery in the Third Degree.

(1) A person commits the crime of robbery in the third degree if in the course of committing a theft he:

(a) Uses force against the person of the owner or any person present with intent to overcome his physical resistance or physical power of resistance; or

(b) Threatens the imminent use of force against the person of the owner of any person present with intent to compel acquiescence to the taking of or escaping with the property.

(2) Robbery in the third degree is a Class C felony.

Sec. 3310. Claim of Right Not a Defense.

No person may submit in defense against a prosecution for robbery in any of its degrees that there was no theft because the taking was under a claim of right; claim of right is not a defense under this chapter.

Sec. 4001. Definition of Terms.

The following definitions are applicable in this chapter unless the context otherwise requires:

(a) "Written instrument" means (i) any paper, document or other instrument containing written or printed matter or its equivalent; and (ii) any token, stamp, seal, badge, trademark or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

(b) "Complete written instrument" means one which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof.

(c) "Incomplete written instrument" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.

(d) To "falsely make" a written instrument means to make or draw a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker, but which is not either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof.

(e) To "falsely complete" a written instrument means to transform, by adding, inserting or changing matter, an incomplete written instrument into a complete one, without lawful authority, so that the completed written instrument falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.

(f) To "falsely alter" a written instrument means to change, without lawful authority, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, addition or transportation of matter, or in any other manner, so that the instrument so changed falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by him.

(g) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

(h) "Intent to defraud" means a purpose to use deception as defined in § 3280(1) or to injure another person's interest which has value as defined in § 3280(14).

(i) "Property" is defined as in § 3280(10).

(j) "Services" is defined as in § 3210.

(k) "Government" is defined as in § 3280(5).

(l) To "utter" means to directly or indirectly offer, assert, declare or put forth a forged instrument as genuine.

Sec. 4005. Forgery in the First Degree.

(1) A person commits the crime of forgery in the first degree if, with intent to defraud, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

(a) Part of an issue or series of stamps, securities or other valuable instruments issued by a government or governmental agency; or

(b) Part of an issue or series of stock, bonds or other instruments representing interests in or claims against a business enterprise or its property.

(2) Forgery in the first degree is a Class B felony.

Sec. 4006. Forgery in the Second Degree.

(1) A person commits the crime of forgery in the second degree if, with intent to defraud, he falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

(a) A deed, will, codicil, contract, assignment, or commercial instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

(b) A public record, or an instrument filed or required or authorized by law to be filed in a public office or with a public employee; or

(c) A written instrument officially issued or created by a public office, public employees or government agency.

(2) Forgery in the second degree is a Class C felony.

Sec. 4007. Forgery in the Third Degree.

(1) A person commits the crime of forgery in the third degree if, with intent to defraud, he falsely makes, completes or alters a written instrument.

Sec. 4010. Criminal Possession of a Forged Instrument in the First Degree.

(1) A person commits the crime of criminal possession of a forged instrument in the first degree if he possesses or utters any forged instrument of a kind specified in § 4005 with knowledge that it is forged and with intent to defraud.

(2) Criminal possession of a forged instrument in the first degree is a Class B felony.

Sec. 4011. Criminal Possession of a Forged Instrument in the Second Degree.

(1) A person commits the crime of criminal possession of a forged instrument in the second degree if he possesses or utters any forged instrument of a kind specified in § 4006 with knowledge that it is forged and with intent to defraud.

(2) Criminal possession of a forged instrument in the second degree is a Class C felony.

Sec. 4012. Criminal Possession of a Forged Instrument in the Third Degree.

(1) A person commits the crime of criminal possession of a forged instrument in the third degree if he possesses or utters a forged instrument of a kind covered in § 4007 with knowledge that it is forged and with intent to defraud.

(2) Criminal possession of a forged instrument in the third degree is a Class A misdemeanor.

Sec. 4015. Forgery and Criminal Possession of a Forged Instrument: Limitation on Criminal Liability.

A person may not be punished for both the offense of forgery and the offense of criminal possession of a forged instrument with respect to the same instrument, unless arising out of separate and distinct transactions.

Sec. 4020. Criminal Possession of a Forgery Device.

(1) A person commits the crime of criminal possession of a forgery device if he makes or possesses with knowledge of its character any plate, die or other device, appliance, apparatus, equipment or article specifically designed or adapted for use in forging written instruments with intent to use it himself, or to aid or permit another to use it for purposes of forgery.

(2) Criminal possession of a forgery device is a Class C felony.

Sec. 4025. Criminal Simulation.

(1) A person commits the crime of criminal simulation if:

(a) He makes or alters any object, with intent to defraud, so that it appears to have an antiquity, value, rarity, source or authorship that it does not in fact possess; or

(b) He possesses or utters an object so simulated with knowledge of its true character and with intent to defraud.

(2) Criminal simulation is a Class A misdemeanor.

Sec. 4030. Obtaining Signature by Deception.

(1) A person commits the crime of obtaining a signature by deception if with intent to defraud or to acquire a substantial benefit for himself or another, he causes another by deception to sign or execute a written instrument.

(2) The definition of deception in § 3280(1) applies to this section also.

(3) Obtaining a signature by deception is a Class A misdemeanor.

Sec. 4035. Offering a False Instrument for Recording.

(1) A person commits the crime of offering a false instrument for recording if, knowing that a written instrument relating to or affecting real or personal property, or an interest therein, or directly affecting contractual relationships contains a material false statement or material false information, and with intent to defraud, he presents or offers it to a public office or a public employee, with the knowledge that it will be registered, filed or recorded, or become a part of the records of that public office or public employee.

(2) Offering a false instrument for recording is a Class A misdemeanor.

Sec. 4040. Negotiating a Worthless Negotiable Instrument.

(1) A person commits the crime of negotiating a worthless negotiable instrument if he negotiates or delivers a negotiable instrument for a thing of value and with the intent, knowledge or expectation that it will not be honored by the drawee.

(2) The fact that:

(a) The maker or drawer had no such account with the drawee at the time the negotiable instrument was negotiated or delivered; or

(b) Payment was refused by the drawee for lack of funds, upon presentation within a reasonable time after negotiation or delivery, as determined according to § 3-503(2) of the Uniform Commercial Code (Code of Alabama, Tit. 7A, § 3-503), and the maker or drawer failed to pay the owner of the instrument the amount due thereon within 10 days after receiving notice of dishonor as defined in § 3-508 of the Uniform Commercial Code (Code of Alabama, Title 7A, § 3-508), shall be prima facie evidence that the maker or drawer intended, knew, or expected that the negotiable instrument would not be honored upon presentation.

(3) The definition of "negotiable instrument" in § 3-104 of the Uniform Commercial Code (Code of Alabama, Tit. 7A, § 3-104) applies to this section.

(4) The definition of "negotiation" in § 3-202 of the Uniform Commercial Code (Code of Alabama, Tit. 7A, § 3-202) applies to this section.

(5) The definition of "delivery" in § 1-201(14) of the Uniform Commercial Code (Code of Alabama, Tit. 7A, § 1-201(14)) applies to this section.

(6) Negotiating a worthless negotiable instrument is a Class A misdemeanor.

Sec. 4045. Fraudulent Use of Credit Card.

(1) A person commits the crime of fraudulent use of a credit card if he uses a credit card for the purpose of obtaining property or services with knowledge that:

(a) The card is stolen; or

(b) The card has been revoked or cancelled; or

(c) For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card is issued.

The mere use by the original issuee of a credit card which has expired is not within the provisions of § 4045(1)(c).

(2) "Credit Card" means any instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate, or by any other name, which purports to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

(3) Fraudulent use of a credit card is a Class A misdemeanor.

Sec. 4050. Unlawfully Using Slugs: Definition of Terms.

The following definitions apply to § 4051:

(1) "Coin machine" means a coin box, turnstyle, vending machine or other mechanical or electronic device or receptacle designed:

(a) To receive a coin or bill of a certain denomination or a token made for the purpose; and

(b) In return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

(2) "Slug" means a metallic or other object or article which by virtue of its size, shape or any other quality is capable of being inserted, deposited or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill or token.

Sec. 4051. Unlawfully Using Slugs.

(1) A person commits the crime of unlawfully using slugs if:

(a) With intent to defraud the supplier, or another person, of property or a service sold or offered by means of a coin machine, he inserts, deposits or uses a slug in that machine; or

(b) He makes, possesses or disposes of a slug with intent that it be used unlawfully in a coin machine as provided in subparagraph (1)(a).

(2) Unlawfully using slugs is a Class B misdemeanor.

Sec. 4055. Criminal Impersonation.

(1) A person commits the crime of criminal impersonation if he:

(a) Assumes a false identity and does an act in his assumed character with intent to gain an economic benefit for himself or another or to injure or defraud another; or

(b) Pretends to be a representative of some person, or organization and does an act in his pretended capacity with intent to gain an economic benefit for himself or another or to injure or defraud another.

(2) Criminal impersonation is a Class B misdemeanor.

Sec. 4101. Definition of Terms.

(1) The definitions contained in § 3280 and § 4001 are

applicable in this chapter unless the context otherwise requires.

(2) "Services" is defined as in § 3210(2).

Sec. 4105. Deceptive Business Practices.

(1) A person commits the crime of deceptive business practices if in the course of engaging in a business, occupation, or profession, he:

(a) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(b) Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service; or

(c) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or

(d) Sells, offers or exposes for sale adulterated commodities; or

(e) Sells, offers or exposes for sale mislabeled commodities.

(2) It shall be a defense to a prosecution under this section if the actor acts neither knowingly nor recklessly. The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

(3) "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage.

(4) "Mislabeled" means (a) varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage; or (b) represented as being another person's product, though otherwise labeled accurately as to quality and quantity.

(5) Deceptive business practices is a Class B misdemeanor.

Sec. 4110. False Advertising.

(1) A person commits the crime of false advertising if, in connection with the promotion of a sale, transfer, consumption or use of property or services, he makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

(2) It is a defense to a prosecution under this section if the actor acts neither knowingly nor recklessly in making the

false or misleading statement or in causing it to be made. The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

(3) False advertising is a Class B misdemeanor.

Sec. 4115. Bait Advertising.

(1) A person commits the crime of bait advertising if in any manner, including advertising or other means of communication to the public or to a substantial number of persons, he offers to sell property or services with the intent, plan or purpose not to sell or provide the advertised property or services:

(a) At the price at which he offered them; or

(b) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or

(c) At all.

(2) Bait advertising is a Class A misdemeanor.

Sec. 4120. False Advertising and Bait Advertising: Limitation on Criminal Liability.

A television or radio broadcasting station, or a publisher or printer of a newspaper, magazine or other form of printed advertising, which broadcasts, publishes or prints a false advertisement or a bait advertisement of another person or a telephone company which furnishes service to a subscriber, without knowledge of the advertiser's or subscriber's intent, plan or purpose, does not commit a crime under §§ 4110 and 4115.

Sec. 4125. Falsifying Business Records.

(1) A person commits the crime of falsifying business records if, with intent to defraud, he:

(a) Makes or causes a false entry in the business records of an enterprise; or

(b) Alters, erases, obliterates, deletes, removes or destroys a true entry in the business records of an enterprise when he knows the retention or preservation of a true entry is required by law independent of this section; or

(c) Omits to make a true entry in the business records of an enterprise in violation of a duty to do so which he knows to be imposed upon him by law; or

(d) Prevents the making of a true entry or causes the omission thereof in the business records of an enterprise when

he knows a true entry is required by law independent of this section.

(2) "Enterprise" means any entity of one or more persons, corporate otherwise, engaged in business, commercial, professional, industrial, eleemosynary, political or social activity.

(3) "Business record" means any writing or article kept or maintained by an enterprise for the purpose of evidencing or reflecting its condition or activity.

(4) Falsifying business records is a Class B misdemeanor.

Sec. 4130. Defrauding Secured Creditors.

(1) A person commits the crime of defrauding secured creditors if he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with intent to hinder enforcement of that interest.

(2) "Security interest" means an interest in personal property or fixtures as defined in § 1-201(37) of the Uniform Commercial Code, tit. 7A § 1-201(37), Alabama Code of 1940 (Recomp. 1958).

(3) Defrauding secured creditors is a Class A Misdemeanor.

Sec. 4135. Defrauding Judgment Creditors.

(1) A person commits the crime of defrauding judgment creditors if he:

(a) With fraudulent intent removes property subject to execution from a county to prevent it being levied upon by an execution; or

(b) Secretes, assigns, conveys or otherwise disposes of property with intent to defraud a judgment creditor.

(2) Defrauding judgment creditors is a Class B misdemeanor.

Sec. 4140. Fraud in Insolvency.

(1) A person commits the crime of fraud in insolvency if, with the intent to defraud a creditor and with knowledge either that proceedings have been or are about to be instituted for the appointment of a receiver or that a composition agreement or other arrangement for the benefit of creditors has been or is about to be made, he:

(a) Conveys, transfers, conceals, destroys, encumbers or otherwise disposes of any part of or any interest in the debtor's estate; or

(b) Presents to any creditor or to the receiver any writing or record relating to the debtor's estate, not otherwise within the coverage of §§ 4905, 4906, or 4935 of this Code, knowing that it contains a false material statement; or

(c) Misrepresents or refuses to disclose to the receiver, under circumstances not amounting to a violation of § 4515, the existence, amount or location of any part of or an interest in debtor's estate, or any other information that he is legally required to furnish to the administrator.

(2) "Receiver" means an assignee or trustee for the benefit of creditors, a conservator, a liquidator, or any other person legally entitled to administer property for the benefit of creditors.

(3) Fraud in insolvency is a Class B misdemeanor.

Sec. 4145. Issuing a False Financial Statement.

(1) A person commits the crime of issuing a false financial statement if, with intent to defraud, he:

(a) Knowingly makes or utters a written instrument which purports to describe the financial condition or ability of himself or some other person and which is inaccurate in some material respect; or

(b) Represents in writing that a written instrument purporting to describe a person's financial condition or ability to pay is accurate with respect to that person's current financial condition or ability to pay, knowing the instrument to be materially inaccurate in that respect.

(2) Issuing a false financial statement is a Class B misdemeanor.

Sec. 4150. Receiving Deposits in a Failing Financial Institution.

(1) A person commits the crime of receiving deposits in a failing financial institution, if, as an officer, manager or other person participating in the direction of a financial institution, he knowingly receives or permits the receipt of funds, a general deposit, or other investment, knowing that:

(a) Due to financial difficulties the institution is about to suspend operations or go into receivership or reorganization, and

(b) The person making the deposit or other payment is unaware of the precarious situation of the institution.

(2) Receiving deposits in a failing financial institution is a Class A misdemeanor.

Sec. 4155. Misapplication of Property.

(1) A person commits the crime of misapplication of property if, with knowledge that he is misapplying and that the misapplication involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted, he misapplies or disposes of property that has been entrusted to him as a fiduciary or that is property of the government or a financial institution.

(2) "Fiduciary" includes a trustee, guardian, executor, administrator, receiver or any other person acting in a fiduciary capacity, or any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

(3) To "misapply" means to deal with the property contrary to law or governmental regulation of the custody or disposition of that property; governmental regulation includes administrative and judicial rules and orders as well as statutes and ordinances.

(4) Misapplication of property is a Class A misdemeanor.

Sec. 4201. Commercial Bribery.

(1) A person commits the crime of commercial bribery if he:

(a) Confers, or agrees or offers to confer any benefit upon any employee or agent without the consent of the latter's employer or principal, with intent to improperly influence his conduct in relation to his employer's or principal's affairs; or

(b) Confers, or agrees or offers to confer any benefit upon any fiduciary without the consent of the latter's beneficiary, with intent to improperly influence him to act or conduct himself contrary to his fiduciary obligation.

(2) Commercial bribery is a Class A misdemeanor.

Sec. 4205. Receiving a Commercial Bribe.

(1) A person commits the crime of receiving a commercial bribe if:

(a) As an employee or agent, and without the consent of his employer or principal, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that the benefit will improperly influence his conduct in relation to his employer's or principal's affairs; or

(b) As a hiring agent or an official or employee in charge of employment, he solicits, accepts or agrees to accept any bene-

fit from another person upon an agreement or understanding that someone shall be hired, retained in employment or discharged or suspended from employment; or

(c) As a fiduciary, and without the consent of his beneficiary, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that the benefit will improperly influence his conduct in his fiduciary capacity.

(2) Subparagraph (1)(b) does not apply to any person conducting a private employment agency licensed and operating under the laws of Alabama.

(3) Receiving a commercial bribe is a Class A misdemeanor.

Sec. 4210. Sports Bribery: Definition of Terms.

The following definitions apply to §§ 4211 through 4220.

(1) "Sports contest" means any professional or amateur sport, athletic game or contest, or race or contest involving machines, persons or animals, viewed by the public, and for which admission is charged.

(2) "Sports participant" means any person who participates or expects to participate in a sports contest as a player, contestant or member of a team, or as a coach, manager, trainer or other person directly associated with a player, contestant or team.

(3) "Sports official" means any person who acts or expects to act in a sports contest as an umpire, referee or judge, or otherwise to officiate at a sports contest.

Sec. 4211. Sports Bribery.

(1) A person commits the crime of sports bribery if he:

(a) Confers, or offers or agrees to confer any benefit upon a sports participant in return for an agreement from him not to give his best efforts in a sports contest; or

(b) Confers, or offers or agrees to confer any benefit upon a sports official in return for an agreement from him to perform his duties improperly.

(2) Sports bribery is a Class A misdemeanor.

Sec. 4212. Receiving a Sports Bribe.

(1) A person commits the crime of receiving a sports bribe if:

(a) Being a sports participant, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that he will thereby be influenced not to give his best efforts in a sports contest; or

(b) Being a sports official, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that he will perform his duties improperly.

(2) Receiving a sports bribe is a Class A misdemeanor.

Sec. 4215. Tampering with a Sports Contest.

(1) A person commits the crime of tampering with a sports contest if, with intent to influence the outcome of a sports contest, he:

(a) Tampers with any sports participant or sports official, or with any animal, equipment, or other thing involved in the conduct or operation of a sports contest, in a manner contrary to the rules and usages purporting to govern the sports contest in question; or

(b) Substitute a sports participant, animal, equipment, or other thing involved in the conduct or operation of a sports contest, for the genuine person, animal or thing.

(2) Tampering with a sports contest is a Class A misdemeanor.

Sec. 4501. Definition of Terms.

The following definitions apply in this chapter unless the context otherwise requires:

(1) "Fireman" includes any officer of a fire department or any other person vested by law with the duty to extinguish fires;

(2) "Government" includes the state, county, municipality or other political subdivision thereof;

(3) "Governmental Function" includes any activity which a public servant is legally authorized to undertake on behalf of a government;

(4) "Governmental Record" includes any record, paper, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;

(5) "Peace Officer" includes any public servant vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes;

(6) "Property" means any real or personal property, including books, records and documents;

(7) "Public Servant" includes any officer or employee of government, including legislators and judges and any person or agency participating as an adviser, consultant or otherwise in performing a governmental function.

Sec. 4505. Obstructing Governmental Operations.

(1) A person commits the crime of obstructing governmental operations if, by means of intimidation, physical force or interference, or by any other independently unlawful act, he:

(a) Intentionally obstructs, impairs, or hinders the administration of law or other governmental function; or

(b) Intentionally prevents a public servant from performing a governmental function.

(2) This section does not apply to the obstruction, impairment or hinderance of the making of an arrest.

(3) Obstructing governmental operations is a Class A misdemeanor.

Sec. 4510. Refusal to Permit Inspection.

(1) A person commits the crime of refusing to permit inspection of property that is owned, possessed or otherwise subject to his control if, knowing that a public servant is legally authorized to inspect such property and an attempt is made to exercise that authority, he:

(a) Refuses to produce the property for a reasonable inspection; or

(b) Refuses to permit a reasonable inspection.

(2) For the purposes of this section, "legally authorized inspection" includes any lawful search, sampling, testing or other examination of property, in connection with the regulation of the defendant's business or occupation, that is authorized by law.

(3) Refusing to permit inspection is a Class C misdemeanor.

Sec. 4515. Failing to File Required Report.

(1) A person commits the crime of failing to file a required report if, knowing that he is required by law to submit a written report to a designated public servant, he intentionally fails to submit the report within the time provided by law.

(2) Failure to submit a report within 10 days after receipt of proper notification that the report legally is due shall constitute prima facie evidence of:

- (a) Knowledge of a legal duty to submit the report; and
- (b) Intentional failure to submit the report.

(3) This section applies to the failure to submit a specific report only when a separate statutory provision makes such failure subject to the operation of this section.

- (4) Failing to file a required report is a violation.

Sec. 4520. Refusing to Aid Peace Officer.

(1) A person commits the crime of refusing to aid a peace officer if, upon command by a peace officer identified to him as such, he fails or refuses to aid such peace officer in:

- (a) Effecting or securing a lawful arrest; or
- (b) Preventing the commission by another person of any offense.

(2) A person is not liable under this section if the failure or refusal to aid the officer was reasonable under the circumstances. The burden of injecting this issue is on the defendant, but this does not shift the burden of proof.

(3) Refusing to aid a peace officer is a Class C misdemeanor.

Sec. 4525. Refusing to Assist in Fire Control.

(1) A person commits the crime of refusing to assist in fire control if, upon command by a fireman or peace officer identified to him as such, he intentionally disobeys a reasonable order or regulation made in relation to the conduct of persons in the vicinity of a fire.

(2) Refusing to assist in fire control is a Class C misdemeanor.

Sec. 4530. Compounding.

(1) A person commits the crime of compounding if he gives or offers to give, or accepts or agrees to accept, any pecuniary benefit or other thing of value in consideration for:

- (a) Refraining from seeking prosecution of a crime; or
- (b) Refraining from reporting to law enforcement authorities the commission or suspected commission of any crime or information relating to the crime.

It is a defense to a prosecution under this section that the pecuniary benefit did not exceed an amount which the actor reasonably believed to be due as restitution or indemnification for harm caused by the offense. The burden of injecting this defense is on the defendant.

(2) Compounding is a Class A misdemeanor.

Sec. 4535. Rendering a False Alarm.

(1) A person commits the crime of rendering a false alarm if he knowingly causes a false alarm of fire or other emergency involving danger to life or property to be transmitted to or within an official or volunteer fire department or any other governmental agency.

(2) Rendering a false alarm is a Class A misdemeanor.

Sec. 4540. False Reporting to Law Enforcement Authorities.

(1) A person commits the crime of false reporting to law enforcement authorities if he knowingly (and without coercion by law enforcement authorities to make any report) makes a false report or causes the transmission of a false report to law enforcement authorities of a crime or relating to a crime.

(2) False reporting to law enforcement authorities is a Class A misdemeanor.

Sec. 4545. Impersonating Public Servant.

(1) A person commits the crime of impersonating a public servant if he falsely pretends to be a public servant and does any act in that capacity.

(2) It is no defense to a prosecution under this section that the office the actor pretended to hold did not in fact exist.

(3) Impersonating a public servant is a Class C misdemeanor.

Sec. 4550. Impersonating Peace Officer.

(1) A person commits the crime of impersonating a peace officer if he falsely pretends to be a peace officer and does any act in that capacity.

(2) Impersonating a peace officer is a Class C felony.

Sec. 4555. Tampering with Governmental Records.

(1) A person commits the crime of tampering with governmental records if:

(a) He knowingly makes a false entry in or falsely alters any governmental record; or

(b) Knowing he lacks the authority to do so, he intentionally destroys, mutilates, conceals, removes or otherwise substantially impairs the verity or availability or any governmental record; or

(c) Knowing he lacks the authority to retain a governmental record he refuses to deliver up the record in his possession upon proper request of a person lawfully entitled to receive such record for examination or other purposes.

(2) Tampering with governmental records is a Class A misdemeanor.

Sec. 4601. Definition of Terms.

(1) The definitions contained in § 4501 are applicable in this chapter unless the context requires otherwise.

(2) "Custody" means a restraint or detention by a public servant pursuant to a lawful arrest, conviction, or order of court, but does not include mere supervision of probation or parole, or constraint incidental to release on bail.

(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

(a) Charged with or convicted of a criminal offense; or

(b) Charged with being or adjudicated a youthful offender, or a neglected minor or juvenile delinquent; or

(c) Held for extradition; or

(d) Otherwise confined pursuant to an order of court.

(4) "Penal facility" means any maximum or medium security correctional institution for the confinement of persons arrested for, charged with, or convicted of a criminal offense, including but not limited to the following maximum or medium security facilities; the state penitentiary and any branch thereof; any county city or jail; the Alabama Boys Industrial School; and the State Training School for Girls.

(5) "Contraband" means any article or thing which a person confined in a detention facility is legally prohibited from obtaining or possession by statute, rule, regulation or order.

Sec. 4606. Escape in the First Degree.

(1) A person commits the crime of escape in the first degree if he inflicts physical injury, threatens serious physical injury, or uses a deadly weapon, in escaping or attempting to escape from custody or from a penal facility.

- (2) Escape in the first degree is a Class B felony.

Sec. 4607. Escape in the Second Degree.

(1) A person commits the crime of escape in the second degree if he escapes or attempts to escape from a penal facility.

- (2) Escape in the second degree is a Class C felony.

Sec. 4608. Escape in the Third Degree.

(1) A person commits the offense of escape in the third degree if he escapes or attempts to escape from custody.

- (2) Escape in the third degree is a Class A misdemeanor.

Sec. 4610. Permitting or Facilitating Escape in the First Degree.

(1) A person commits the crime of permitting or facilitating escape in the first degree if:

(a) He intentionally aids or attempts to aid in the escape of a person arrested for, charged with, or convicted of a felony from a penal facility; or

(b) He is a public servant of a penal facility and who intentionally, knowingly, or recklessly permits or facilitates the escape of a person arrested for, charged with, or convicted of a felony.

(2) Permitting or facilitating an escape in the first degree is a Class C felony.

Sec. 4611. Permitting or Facilitating Escape in the Second Degree.

(1) A person commits the crime of permitting or facilitating escape in the second degree if:

(a) He intentionally aids or attempts to aid in the escape of a person arrested for, charged with, or convicted of a misdemeanor from a penal or detentional facility; or

(b) He is a public servant of a penal or detention facility and who intentionally, knowingly, or recklessly permits or facilitates the escape of a person arrested for, charged with, or convicted of a misdemeanor.

(2) Permitting or facilitating escape in the second degree is a Class A misdemeanor.

Sec. 4615. Promoting Prison Contraband in the First Degree.

(1) A person is guilty of promoting prison contraband in the first degree if:

- (a) He intentionally and unlawfully introduces within a

detention facility, or provides an inmate with, any deadly weapon, instrument, tool or other thing which may be useful for escape;

(b) Being a person confined in a detention facility, he intentionally and unlawfully makes, obtains or possesses any deadly weapon, instrument, tool or other thing which may be useful for escape.

(2) Promoting prison contraband in the first degree is a Class C felony.

Sec. 4616. Promoting Prison Contraband in the Second Degree.

(1) A person is guilty of promoting prison contraband in the second degree if:

(a) He intentionally and unlawfully introduces within a detention facility, or provides an inmate with, any narcotic, dangerous drug, or controlled substance as defined in the "Alabama Controlled Substances Act", or any amendments thereto; or

(b) Being a person confined in a detention facility, he intentionally and unlawfully makes, obtains or possesses any narcotic, dangerous drug, or controlled substance as defined in the "Alabama Controlled Substances Act", or any amendments thereto.

(2) Promoting prison contraband in the second degree is a Class C felony.

Sec. 4617. Promoting Prison Contraband in the Third Degree.

(1) A person is guilty of promoting prison contraband in the third degree if:

(a) He intentionally and unlawfully introduces within a detention facility, or provides an inmate with, any contraband or thing which the actor knows or should know it is unlawful to introduce or for the inmate to possess; or

(b) Being a person confined in a detention facility, he intentionally and unlawfully makes, obtains or possesses any contraband.

(2) Promoting prison contraband in the third degree is a Class B misdemeanor.

Sec. 4620. Bail Jumping in the First Degree.

(1) A person commits the crime of bail jumping in the first degree if, having been lawfully released from custody, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with a charge of his

having committed murder, or any Class A or B felony, he fails to appear at the time and place.

(2) It is a defense to prosecution under this section that the defendant's failure to appear was unintentional, or was unavoidable and due to circumstances beyond his control. The burden of injecting the defense of an unintentional failure to appear, or unavoidability and circumstances beyond his control, is on the defendant.

(3) Bail jumping in the first degree is a Class C felony.

Sec. 4621. Bail Jumping in the Second Degree.

(1) A person commits the crime of bail jumping in the second degree if, having been lawfully released from custody, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with a charge of his having committed any misdemeanor or Class C felony, he fails to appear at that time and place.

(2) It is a defense to prosecution under this section that the defendant's failure to appear was, unintentional, or was unavoidable and due to circumstances beyond his control. The burden of injecting the defense of an unintentional failure to appear, or unavoidability and circumstances beyond his control, is on the defendant.

(3) This section does not apply to a person released from custody on condition that he will appear in connection with a charge of having committed a misdemeanor in violation of tit. 36, Motor Vehicles, Alabama Code of 1940.

(4) Bail jumping in the second degree is a Class A misdemeanor.

Sec. 4625. Resisting Arrest.

(1) A person commits the crime of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from effecting a lawful arrest of himself or of another person.

(2) Resisting arrest is a Class B misdemeanor.

Sec. 4635. Hindering Prosecution or Apprehension: Definition Criminal Assistance.

For the purposes of §§ 4636, 4637, and 4640, a person renders "criminal assistance" to another if he:

(a) Harbors or conceals such person;

(b) Warns such person of impending discovery or apprehension, except this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with the law;

(c) Provides such person with money, transportation, weapon, disguise, or other means of avoiding discovery or apprehension;

(d) Prevents or obstructs, by means of force, deception or intimidation, anyone except a trespasser from performing an act that might aid in the discovery or apprehension of such person; or

(e) Suppresses by an act of concealment, alteration or destruction any physical evidence that might aid in the discovery or apprehension of such person.

Sec. 4636. Hindering Prosecution in the First Degree.

(1) A person commits the crime of hindering prosecution in the first degree if with the intent to hinder the apprehension, prosecution, conviction or punishment of anyone except his spouse, parent, child or sibling for conduct constituting a murder or a Class A or B felony, he renders criminal assistance to such person.

(2) Hindering prosecution in the first degree is a Class C felony.

Sec. 4637. Hindering Prosecution in the Second Degree.

(1) A person commits the crime of hindering prosecution in the second degree if with the intent to hinder the apprehension, prosecution, conviction or punishment of anyone except his spouse, parent, child or sibling for conduct constituting a Class C felony or a Class A misdemeanor, he renders criminal assistance to such person.

(2) Hindering prosecution in the second degree is a Class A misdemeanor.

Sec. 4640. Hindering Apprehension of Escapee.

(1) A person commits the crime of hindering the apprehension of an escapee if, with the intent to hinder the apprehension of a person other than his spouse, parent, child or sibling known to have escaped from a detention facility, he renders criminal assistance to such person.

(2) Hindering apprehension of an escapee is a Class A misdemeanor.

Sec. 4701. Definition of Terms.

(1) The definitions contained in § 4501 are applicable in this chapter unless the context otherwise requires.

(2) "Benefit" means any gain or advantage to the bene-

ficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

(3) "Pecuniary benefit" is benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain. Expenses associated with social occasions afforded public servants and party officers shall not be deemed a pecuniary benefit within the meaning of this chapter.

(4) "Public Servant", as used in this chapter, includes persons who presently occupy the position of a public servant as defined in § 4501(7) or have been elected, appointed or designated to become a public servant although not yet occupying that position.

(5) "Party officer" means a person who holds any position or office in a political party, whether by election, appointment or otherwise.

Sec. 4705. Bribery.

(1) A person commits the crime of bribery if:

(a) He offers, confers or agrees to confer any pecuniary benefit upon a public servant with the intent that the public servant's vote, opinion, judgment, exercise of discretion or other action in his official capacity will thereby be corruptly influenced; or

(b) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, judgment, exercise of discretion or other action as a public servant will thereby be corruptly influenced.

(2) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a Class C felony.

Sec. 4720. Failing to Disclose a Conflict of Interest.

(1) A public servant commits the crime of failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment or other pecuniary transaction without advance public disclosure of a known potential conflicting interest in the transaction.

(2) A "potential conflicting interest" exists, but is not

limited to, when the public servant is a director, president, general manager or similar executive officer, or owns directly or indirectly a substantial portion of any non-governmental entity participating in the transaction.

(3) Public disclosure includes public announcement or notification to a superior officer or the attorney general.

(4) Failing to disclose a conflict of interest is a Class A misdemeanor.

Sec. 4725. Trading in Public Office.

(1) A person is guilty of trading in public office if:

(a) He offers, confers or agrees to confer any pecuniary benefit upon a public servant or party officer upon an agreement or understanding that he himself will or may be appointed to a public office or public employment or designated or nominated as a candidate for public office; or

(b) While a public servant or party officer, he solicits, accepts or agrees to accept any pecuniary benefit from another upon an agreement or understanding that that person will or may be appointed to a public office or public employment or designated or nominated as a candidate for public office.

(2) This section does not apply to contributions to political campaign funds or other political contributions.

(3) Trading in public office is a Class A misdemeanor.

Sec. 4801. Definition of Terms.

(1) The definitions contained in §§ 4501, 4601 and 4701 are applicable in this chapter unless the context otherwise requires.

(2) "Harm" means loss, disadvantage or injury to the person affected or to any other person in whose welfare he is interested.

Sec. 4805. Official Misconduct in the First Degree.

(1) A public servant commits the crime of official misconduct in the first degree if, with intent to obtain a pecuniary benefit for himself or another, or to cause harm to another, he knowingly:

(a) Commits an act relating to his office but constituting an unauthorized exercise of his official functions; or

(b) Violates any statute or municipal ordinance relating to his office.

(2) Official misconduct in the first degree is a Class A misdemeanor.

Sec. 4810. Misuse of Confidential Information.

(1) A public servant commits the crime of misuse of confidential information if in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he:

(a) Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action;

(b) Speculates or wagers on the basis of such information or action; or

(c) Aids another to do any of the foregoing.

(2) Misuse of confidential information is a Class B misdemeanor.

Sec. 4901. Definitions.

(1) The definitions in §§ 4501 and 4701 are applicable in this chapter unless the context otherwise requires.

(2) "Swears falsely" and "false swearing" mean the making of a false statement under oath required or authorized by law, or the swearing or affirming the truth of such statement previously made, which the declarant does not believe to be true. A false swearing in a subscribed written instrument shall not be deemed complete until the instrument is delivered by its subscriber, or by someone acting in his behalf, to another person with intent that it be uttered or published as true.

(3) A statement is "material" regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the official proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

(4) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated. For the purposes of this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

(b) The statement recites that it was made under oath,

the declarant was aware of such recitation at the time he made the statement and intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto.

(5) An oath is "required or authorized by law" when the use of the oath is provided for by statute or municipal ordinance.

(6) "Official proceeding" means any proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath.

(7) "Jurat" means a clause wherein a notary public or other attesting officer authorized by law to administer oaths in connection with affidavits, depositions and other subscribed written instruments certifies that the subscriber has appeared before him and sworn to the truth of the contents thereof.

Sec. 4905. Perjury in the First Degree.

(1) A person commits the crime of perjury in the first degree when in any official proceeding he swears falsely and his false statement is material to the proceeding in which it is made.

(2) Perjury in the first degree is a Class C felony.

Sec. 4906. Perjury in the Second Degree.

(1) A person commits the crime of perjury in the second degree when he swears with intent to mislead a public servant in the performance of his duty and his false statement is material to the action, proceeding or matter involved.

(2) Perjury in the second degree is a Class A misdemeanor.

Sec. 4907. Perjury in the Third Degree.

(1) A person commits the crime of perjury in the third degree when he swears falsely.

(2) Perjury in the third degree is a Class B misdemeanor.

Sec. 4910. Perjury: Inconsistent Statements.

(1) Where a person has made statements under oath which are inconsistent to the degree that one of them is necessarily false, each having been made within the jurisdiction of this state and within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent state-

ments in a single count alleging in the alternative that one or the other was false and not believed by the defendant to have been true when made. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

(2) The highest degree of perjury of which the defendant may be convicted shall be determined by hypothetically assuming each statement to be false and perjurious. If perjury of the same degree would be established by the making of each statement, the accused may be convicted of that degree at most. If perjury of different degrees would be established by the making of the two statements, the accused may be convicted of the lesser degree at most.

Sec. 4915. Perjury: Corroboration.

In any prosecution for perjury, except a prosecution based upon inconsistent statements pursuant to § 4910, the falsity of a statement may not be established by the uncorroborated testimony of a single witness.

Sec. 4920. Perjury: Previous Trial.

No prosecution shall be brought under this chapter if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

Sec. 4925. Perjury: Retraction.

No person shall be convicted of perjury if he retracted his false statement in the course of the same proceeding in which it was made before it became manifest that the falsification was or would be exposed. Statements made in separate hearings at separate stages of the same trial or administrative proceeding shall be deemed to have been made in the course of the same proceeding. The burden of injecting the issue of retraction is on the defendant, but this does not shift the burden of proof.

Sec. 4930. Perjury: Irregularities No Defense.

It is no defense to prosecution for perjury:

(a) That the oath was administered in an irregular manner.

(b) That there was some irregularity in the appointment or qualification of the person who administered the oath, if the taking of the oath was required or authorized by law.

(c) That the document was not sworn to if the document contains a recital that it was made under oath, the declarant was aware of the recital when he signed the document, and the

document contains the signed jurat of a public servant authorized to administer oaths.

(d) That the defendant mistakenly believed the false statement to be immaterial.

(e) That the statement was inadmissible under the law of evidence.

Sec. 4935. Unsworn Falsification to Authorities.

(1) A person commits the crime of unsworn falsification to authorities if, with an intent to mislead a public servant in the performance of his duty, he makes or submits any written statement, which he does not believe to be true, in an application for pecuniary or other benefit, or a record or report required by law to be submitted to any governmental agency.

(2) The provisions of §§ 4910 and 4925 shall be applicable to all prosecutions under this section.

(3) Unsworn falsification to authorities is a Class C misdemeanor.

Sec. 5001. Definitions.

(1) The definitions in §§ 4501, 4701 and 4901 are applicable in this chapter unless the context otherwise requires.

(2) "Juror" means any person who is a member of any jury including a grand jury, impaneled by any court of this State or by any public servant authorized by law to impanel a jury. The term juror also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror.

(3) "Testimony" includes oral or written statements, documents or any other material that may be offered as evidence in an official proceeding.

Sec. 5005. Bribing a Witness.

(1) A person commits the crime of bribing a witness if he offers, confers or agrees to confer any pecuniary benefit upon a witness or a person he believes will be called as a witness in any official proceeding with intent to:

(a) Corruptly influence the testimony of that person;

(b) Induce that person to avoid legal process summoning him to testify; or

(c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) This section does not apply to the payment of addi-

tional compensation to an expert witness over and above the amount otherwise prescribed by law to be paid to a witness.

(3) Bribing a witness is a Class C felony.

Sec. 5010. Bribe Receiving by a Witness.

(1) A witness or a person believing he will be called as a witness in any official proceeding commits the crime of bribe receiving by a witness if he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that:

(a) His testimony will thereby be corruptly influenced;

(b) He will attempt to avoid legal process summoning him to testify; or

(c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

(2) This section does not apply to the payment of additional compensation to an expert witness over and above the amount otherwise prescribed by law to be paid to a witness.

(3) Bribe receiving by a witness is a Class C felony.

Sec. 5015. Intimidating a Witness.

(1) A person commits the crime of intimidating a witness if he attempts, by use of a threat directed to a witness or a person he believes will be called as a witness in any official proceedings to:

(a) Corruptly influence the testimony of that person;

(b) Induce that person to avoid legal process summoning him to testify; or

(c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) "Threat" as used in this section means any threat proscribed by § 2125 on criminal coercion.

(3) Intimidating a witness is a Class C felony.

Sec. 5020. Tampering with a Witness.

(1) A person commits the crime of tampering with a witness if he attempts to induce a witness or a person he believes will be called as a witness in any official proceeding to:

(a) Testify falsely or unlawfully withhold testimony; or

(b) Absent himself from any official proceeding to which he has been legally summoned.

- (2) Tampering with a witness is a Class B misdemeanor.

Sec. 5025. Bribing a Juror.

(1) A person commits the crime of bribing a juror if he offers, confers, or agrees to confer any pecuniary benefit upon a juror with the intent that the juror's vote, opinion, decision or other action as a juror will thereby be corruptly influenced.

- (2) Bribing a juror is a Class C felony.

Sec. 5030. Bribe Receiving by a Juror.

(1) A person commits the bribe receiving by a juror if he solicits, accepts or agrees to accept any pecuniary benefit upon an agreement or understanding that his vote, opinion, decision or other action as a juror will thereby be corruptly influenced.

- (2) Bribe receiving by a juror is a Class C felony.

Sec. 5035. Intimidating a Juror.

(1) A person commits the crime of intimidating a juror if he attempts by the use of a threat to influence a juror's vote, opinion, decision or other action as a juror.

(2) "Threat" as used in this section means any threat proscribed by § 2125, Criminal Coercion.

- (3) Intimidating a juror is a Class C felony.

Sec. 5040. Jury Tampering.

(1) A person commits the crime of jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in the case, he attempts directly or indirectly to communicate with a juror other than as part of the proceedings in the trial of the case.

- (2) Jury tampering is a Class B misdemeanor.

Sec. 5045. Tampering with Physical Evidence.

(1) A person commits the crime of tampering with physical evidence if, believing that an official proceeding is pending or may be instituted, and acting without legal right or authority, he:

(a) Destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its use, verity or availability in the pending or prospective official proceeding; or

(b) Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding.

(2) "Physical evidence", as used in this section, includes any article, object, document, record or other thing of physical substance.

(3) Tampering with physical evidence is a Class A misdemeanor.

Sec. 5050. Interfering with Judicial Proceedings.

(1) A person commits the crime of interfering with judicial proceedings if:

(a) He engages in disorderly, contemptuous or insolent behavior, committed during the sitting of a court in its immediate view and presence, and directly tending to interrupt its proceedings or impair the respect due its authority;

(b) He intentionally creates a breach of the peace or disturbance under circumstances directly tending to interrupt a court's proceedings;

(c) As an attorney, clerk or other officer of the court, he knowingly fails to perform or violates a duty of his office, or knowingly disobeys a lawful directive or order of a court;

(d) Knowing that he is not authorized to practice law, he represents himself to be an attorney and acts as such in a court proceeding; or

(e) He records or attempts to record the deliberation of a jury.

(2) Interfering with judicial proceedings is a Class B misdemeanor.

Sec. 5055. Simulating Legal Process.

(1) A person commits the crime of simulating legal process if he knowingly delivers or causes to be delivered to another person any demand, request or claim for the payment of money or the delivery or transfer of property that in form and substance simulates any legal process issued by any court of this State.

(2) Simulating legal process is a Class B misdemeanor.

Sec. 5501. Definitions.

The following definitions apply in this chapter:

(a) To "obstruct" means to render impassable without unreasonable inconvenience or hazard. A gathering of persons to hear a person speak or otherwise communicate does not constitute an obstruction.

(b) "Public place" means a place to which the public or

a substantial group of persons has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds and hallways, lobbies and other portions of apartment houses not constituting rooms or apartments designed for actual residence provided, however, that no private dwelling and no place engaged for a private gathering is included within the meaning of public place with respect to any person specifically invited therein.

(c) "Transportation facility" means any convenience, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses and air, boat, railroad and bus terminals and stations and all appurtenances thereto.

Sec. 5505. Treason.

(1) A person commits the crime of treason, if he levies war against the State of Alabama or adheres to its enemies, giving them aid and comfort.

(2) No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act or upon confession in open court.

(3) Treason is a Class A felony.

Sec. 5510. Riot.

(1) A person commits the crime of riot if, with five or more other persons, he wrongfully engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of public terror or alarm.

(2) Riot is a Class A misdemeanor.

Sec. 5511. Inciting a Riot.

(1) A person commits the crime of inciting to riot if he commands, solicits, incites or urges another person to engage in tumultuous and violent conduct of a kind likely to cause or create a grave risk of public terror or alarm.

(2) Inciting to riot is a Class B misdemeanor.

Sec. 5515. Unlawful Assembly.

(1) A person commits the crime of unlawful assembly if he assembles with five or more other persons for the purpose of engaging in conduct constituting the crime of riot or if, being present at an assembly that either has or develops such a purpose, he remains there with intent to advance that purpose.

(2) Unlawful assembly is a Class B misdemeanor.

Sec. 5520. Failure of a Disorderly Person to Disperse.

(1) A person commits the crime of failure of a disorderly person to disperse if he participates with five or more other persons in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, and intentionally refuses or fails to disperse when ordered to do so by a peace officer or other public servant lawfully engaged in executing or enforcing the law.

(2) Failure of a disorderly person to disperse is a Class B misdemeanor.

Sec. 5525. Disorderly Conduct.

(1) A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(a) Engages in fighting or in violent tumultuous or threatening behavior; or

(b) Makes unreasonable noise; or

(c) In a public place uses abusive or obscene language or makes an obscene gesture; or

(d) Without lawful authority, disturbs any lawful assembly or meeting of persons; or

(e) Obstructs vehicular or pedestrian traffic, or a transportation facility; or

(f) Congregates with other person in a public place and refuses to comply with a lawful order of the police to disperse;

(2) Disorderly conduct is a Class C misdemeanor.

Sec. 5530. Harassment.

(1) A person commits the crime of harassment if, with intent to harass, annoy or alarm another person, he strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact.

(2) Harassment is a Class C misdemeanor.

Sec. 5540. Loitering.

(1) A person commits the crime of loitering if he:

(a) Loiters, remains or wanders about in a public place for the purpose of begging; or

(b) Loiters or remains in a public place for the purpose of gambling; or

(c) Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse; or

(d) Being masked, loiters, remains or congregates in a public place; or

(e) Loiters or remains in or about a school, college or university building or grounds after having been told to leave by any authorized official of such school, college or university, and not having any reason or relationship involving custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school, college or university administrator; or

(f) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade or commercial transactions involving the sale of merchandise or services; or

(g) Loiters or remains in any place with one or more persons for purpose of unlawfully using or possessing a dangerous drug.

(2) A person does not commit a crime under subparagraph (1)(d) if he is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational religious, or historical character or in an event as defined in § 4220(2).

(3) "Deviate sexual intercourse" in subparagraph (1)(c) is defined as in § 2301(b).

(4) "Dangerous drug" in subparagraph (1)(g) means any narcotic, drug or controlled substance as defined in the "Alabama Controlled Substances Act" and any schedule incorporated therein.

(5) Loitering is a violation.

Sec. 5545. Public Intoxication.

(1) A person commits the crime of public intoxication if he appears in a public place under the influence of alcohol, narcotics or other drug to the degree that he endangers himself or another person or property, or by boisterous and offensive conduct annoys another person in his vicinity.

(2) Public intoxication is a violation.

Sec. 5550. Falsely Reporting an Incident.

(1) A person commits the crime of falsely reporting an incident if with knowledge that the information reported, con-

veyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe or emergency under circumstances in which it is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(2) Falsely reporting an incident is a Class A misdemeanor.

Sec. 5555. Desecration of Venerated Objects.

(1) A person commits the crime of desecration of venerated objects if he intentionally:

(a) Desecrates any public monument or structure or place of worship or burial; or

(b) Desecrates in a public place the United States or Alabama flag or any other object of veneration by the public or a substantial segment thereof.

(2) Desecration of venerated objects is a Class A misdemeanor.

Sec. 5560. Abuse of Corpse.

(1) A person commits the crime of abuse of a corpse if, except as otherwise authorized by law, he knowingly treats a human corpse in a way that would outrage ordinary family sensibilities.

(2) Abuse of a corpse is a Class A misdemeanor.

Sec. 5565. Cruelty to Animals.

(1) A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:

(a) Subjects any animal to cruel mistreatment; or

(b) Subjects any animal in his custody to cruel neglect;
or

(c) Kills or injures without good cause any animal belonging to another.

(2) Cruelty to animals is a Class B misdemeanor.

Sec. 5601. Definitions.

The following definitions apply to this chapter:

(a) "Eavesdrop" means to overhear, record, amplify or transmit any part of the private communication of others without the consent of at least one of the persons engaged in the

communication, except as otherwise provided by law.

(b) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but does not include a place to which the public or a substantial group of the public has access.

(c) "Surveillance" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person observed.

Sec. 5605. Criminal Eavesdropping.

(1) A person commits the crime of criminal eavesdropping if he intentionally uses any device to eavesdrop, whether or not he is present at the time.

(2) Criminal eavesdropping is a Class A misdemeanor.

Sec. 5610. Criminal Surveillance.

(1) A person commits the crime of criminal surveillance if he intentionally engages in surveillance while trespassing in a private place.

(2) Criminal surveillance is a Class B misdemeanor.

Sec. 5615. Installing Eavesdropping Device.

(1) A person commits the crime of installing an eavesdropping device if he intentionally installs or places a device in a private place with knowledge it is to be used for eavesdropping and without permission of the owner and any lessee or tenant or guest for hire of the private place.

(2) Installing an eavesdropping device in a private place is prima facie evidence of knowledge that the device is to be used for eavesdropping.

(3) Installing an eavesdropping device is a Class C felony.

Sec. 5620. Criminal Possession of Eavesdropping Device.

(1) A person commits the crime of criminal possession of an eavesdropping device if he possesses, manufactures, sends or transports any device designed or commonly used for eavesdropping, and:

(a) Intends to use that device to eavesdrop; or

(b) Knows that another person intends to use that device to eavesdrop.

(2) Criminal possession of an eavesdropping device is a Class A misdemeanor.

Sec. 5625. Divulging Illegally-Obtained Information.

(1) A person commits the crime of divulging illegally-obtained information if he knowingly or recklessly uses or divulges information obtained through criminal eavesdropping or criminal surveillance.

(2) Divulging illegally-obtained information is a Class B misdemeanor.

Sec. 5630. Defenses.

(1) A person does not commit a crime under this chapter if:

(a) He was a peace officer engaged in the lawful performance of his duties; or

(b) He was an officer, employee, or agent of a communication common carrier who, while acting in the normal course of his employment, and while engaged in any activity which was a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication, intercepted, disclosed, or used a communication transmitted through the facilities of that carrier; or

(c) He relies in good faith on a lawful court order or legislative authorization.

(2) The burden of injecting the issue under subsection (1) is on the defendant, but this does not shift the burden of proof.

Sec. 5635. Forfeiture of Eavesdropping Device.

Any eavesdropping or surveillance device possessed or used in violation of this chapter may be forfeited to the State, and may by court order be turned over to the Department of Public Safety for whatever disposition its director may order.

Sec. 5801. Creating a Hazard.

(1) A person commits the crime of creating a hazard if:

(a) Having discarded, in any place accessible to children, a container having a compartment of more than one and one half cubic feet capacity and a door or lid that locks or fastens automatically when closed and cannot easily be opened from the inside, he fails to remove the door, lid, or locking or fastening device; or

(b) Being the owner or otherwise having possession of land upon which there is an abandoned well, cistern or cesspool of a depth of four feet or more and a top width of 12 inches

or more, he fails to fill, cover or fence it with a suitable protective construction.

(2) Creating a hazard is a Class B misdemeanor.

Sec. 5805. Hindering Transportation of Commodities.

(1) A person commits the crime of hindering transportation of commodities if intentionally and without lawful authority he forcibly stops or hinders the operation of any vehicle transporting farm or commercial products within the State for the purpose of delaying the transportation or interfering with the loading or unloading of farm or commercial products.

(2) Hindering transportation of commodities is a Class B misdemeanor.

Sec. 5810. Unlawfully Refusing to Yield Party Line.

(1) A person commits the crime of refusing to yield a party line if he intentionally refuses immediately to yield a party line after he is informed that it is needed for an emergency call.

(2) The term "party line" means a subscriber's line telephone circuit consisting of two or more main telephone stations connected therewith, each having a distinctive ring or telephone number.

(3) The term "emergency call" means a telephone call to a police or fire department, or for medical aid or ambulance service, necessitated by a situation in which human life or property is in jeopardy and prompt summoning of aid is essential.

(4) It shall be a defense to a prosecution under this section that at the time of the request the line was being used for another emergency call. The burden of injecting this defense shall be upon the defendant, but this does not shift the burden of proof.

(5) Unlawfully refusing to yield a party line is a Class B misdemeanor.

Sec. 5815. Falsely Requesting Use of Party Line for Emergency.

(1) A person commits the crime of falsely requesting use of party line for emergency if he states that a party line is needed for an emergency call knowing such statement to be false.

(2) The term "party line" as defined in § 5810 is incorporated herein.

(3) The term "emergency call" defined in § 5810 is incorporated herein.

(4) Falsely requesting use of party line for emergency is a Class B misdemeanor.

Sec. 5825. Unlawfully Dealing in Fireworks.

(1) Definition of "fireworks". The term "fireworks" includes any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing an audible effect by explosion, deflagration or detonation, and includes but is not limited to, blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the balloons, firecrackers, sparklers except as exempted herein, torpedoes, sky rockets, Roman candles, bombs, or other fireworks containing any explosive compound, or any tablets or other devices containing any explosive substance. The term "fireworks", however, shall not include: (a) flares of the type used by railroads or any warning lights commonly known as red flares or marine distress signals of a type approved by the United States Coast Guard; or (b) pistol caps containing twenty-five hundredths (25/100) grains or less of explosive compound, toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compound are used, provided the devices are so constructed that the hand cannot come in contact with the cap when in place for the explosion; or (c) sparklers and dipped sticks, when the total pyrotechnic composition does not exceed one hundred (100) grains each in weight and when the pyrotechnic composition containing any chlorate or perchlorate does not exceed 5 grams.

(2) Offense. Except as otherwise provided herein or by other lawful statute, any person who sells, offers for sale, keeps or has in possession, barter, exchanges or gives away, furnishes at a public place or elsewhere, or otherwise disposes of, uses or explodes any fireworks commits the crime of unlawfully dealing in fireworks.

(3) The provisions of this section shall not affect the power of any municipality to further regulate or prohibit the possession, sale or use of fireworks.

(4) Fireworks unlawfully possessed are declared to be contraband, and such contraband shall be seized, condemned and destroyed by court order.

(5) Unlawfully dealing in fireworks is a Class B misdemeanor.

Sec. 6101. Definitions.

The following definitions apply to this chapter:

(a) "Advance gambling activity". A person "advances gambling activity" if he engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his knowledge for purposes of gambling activity, he permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation.

(b) "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(c) "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(d) "Gambling." A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions valid under the law of contracts, including but not limited to contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

(e) "Gambling device" means any device, machine, paraphernalia or equipment that is normally used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. However, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices within this definition.

(f) "Lottery" or "policy" means an unlawful gambling scheme in which (i) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated by the winning ones; and (ii) the winning chances are to be determined by a drawing or by some other fortuitous method; and (iii) the holders of the winning chances are to receive something of value.

(g) "Pari-mutuel", "mutuel", or "the numbers game" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome of a future contingent event or events otherwise unrelated to the particular scheme.

(a) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity.

(i) "Profit from gambling activity". A person "profits from gambling activity" if he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he shares or is to share in the proceeds of gambling activity.

(j) "Slot machine" means a gambling device that as a result of the insertion of a coin or other object operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because apart from its use or adaptability as such it may also sell or deliver something of value on a basis other than chance.

(k) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service entertainment or a privilege of playing at a game or scheme without charge.

(1) "Unlawful" means not specifically authorized by law.

Sec. 6105. Simple Gambling.

(1) A person commits the crime of simple gambling if he knowingly advances or profits from unlawful gambling activity as a player.

(2) It is a defense to a prosecution under this section that a person charged with being a player was engaged in a social game in a private place. The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

(3) Simple gambling is a Class C misdemeanor.

Sec. 6106. Promoting Gambling.

(1) A person commits the crime of promoting gambling if he knowingly advances or profits from unlawful gambling activity otherwise than as a player.

(2) Promoting gambling is a Class C felony.

Sec. 6110. Conspiracy to Promote Gambling.

(1) A person commits the crime of conspiracy to promote gambling if he conspires to advance or profit from gambling activity otherwise than as a player.

(2) "Conspire" means to engage in activity constituting a criminal conspiracy as defined in § 1015.

(3) Conspiracy to promote gambling is a Class C felony.

Sec. 6115. Possession of Gambling Records in the First Degree.

(1) A person commits the crime of possession of gambling records in the first degree if with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

(a) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, and constitution, reflecting or representing more than five bets, or more than \$500; or

(b) Of a kind commonly used in the operation, promotion or playing of a lottery or mutuel scheme or enterprise, and constituting, reflecting or representing more than five plays or chances therein.

(2) Possession of gambling records in the first degree is a Class C felony.

Sec. 6116. Possession of Gambling Records in the Second Degree.

(1) A person commits the crime of possession of gambling

records in the second degree if with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

(a) Of a kind commonly and peculiarly used in the operation or promotion of a bookmaking scheme or enterprise; or

(b) Of a kind commonly and peculiarly used in the operation, promotion or playing of a lottery or mutual scheme or enterprise.

(2) Possession of gambling records in the second degree is a Class A misdemeanor.

Sec. 6120. Possession of Gambling Records: Defense.

A person does not commit the crime of possession of gambling records in either degree if the writing, paper, instrument, or article possessed by the defendant is neither used nor intended to be used in the operation or promotion of a bookmaking scheme or enterprise, or in the operation, promotion or playing of a lottery or mutual scheme or enterprise. The burden of injecting the issue is on the defendant, but this does not shift the burden of proof.

Sec. 6125. Possession of a Gambling Device.

(1) A person commits the crime of possession of a gambling device if with knowledge of the character thereof he manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(a) A slot machine; or

(b) Any other gambling device, with the intention that meanor.

(2) Possession of a gambling device is a Class A misdemeanor if be used in the advancement of unlawful gambling activity.

Sec. 6130. Gambling Offenses: Prima Facie Proof.

(1) Proof of possession of any gambling device as defined by § 6101(e) or any gambling record specified in §§ 6115 and 6116 is prima facie evidence of possession thereof with knowledge of its character or contents.

(2) In any prosecution under this chapter in which it is necessary to prove the occurrence of a sporting event, (a) a published report of its occurrence in any daily newspaper, magazine or other periodically printed publication of general circulation, or (b) evidence that a description of some aspect of the event was written, printed or otherwise noted at the place in

which a violation of this chapter is alleged to have been committed, shall be admissible in evidence and shall constitute prima facie proof of the occurrence of the event.

Sec. 6135. Lottery Offenses: No Defense.

It is no defense under § 6106 of this chapter relating to a lottery that the lottery itself is drawn or conducted outside Alabama and is not in violation of the laws of the jurisdiction in which it is drawn or conducted.

Sec. 6140. Forfeiture of Gambling Devices and Gambling Proceeds.

(1) Any gambling device or gambling record possessed or used in violation of this chapter is forfeited to the State, and shall by court order be destroyed or otherwise disposed of as the court directs.

(2) Any vehicle possessed or used in violation of this chapter may be forfeited to the State and disposed of by court order as authorized by law.

(3) Money used as bets or stakes in gambling activity in violation of this chapter is forfeited to the State and by court order shall be transmitted to the general fund of the State.

Sec. 6145. Defense. Legalized Pari-Mutual Betting.

The provisions of this chapter shall not apply to pari-mutual betting at race meetings authorized by statute. All presently effective state statutes and laws and locally adopted ordinances and laws pursuant thereto legalizing, authorizing, or allowing greyhound races and betting or wagering thereon are hereby expressly and specifically preserved, saved, and excepted from the repealer provisions contained anywhere in this Act.

Sec. 6220. Promoting Prostitution: Definition of Terms.

The following definitions are applicable in §§ 6221, 6222, and 6223:

(1) A person "advances prostitution" if, acting other than as a prostitute or a patron of a prostitute, he knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operating of a house of prostitution or a prostitution enterprise.

(2) A person "profits from prostitution" if, acting other than as a prostitute receiving compensation for personally-rendered prostitution services, he accepts or receives money or other property pursuant to a prior agreement with any person

whereby he participates or is to participate in the proceeds of prostitution activity.

Sec. 6221. Promoting Prostitution in the First Degree.

(1) A person commits the crime of promoting prostitution in the first degree if he knowingly:

(a) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from such coercive conduct by another; or

(b) Advances or profits from prostitution of a person less than 16 years of age.

(2) Promoting prostitution in the first degree is a Class B felony.

Sec. 6222. Promoting Prostitution in the Second Degree.

(1) A person commits the crime of promoting prostitution in the second degree if he knowingly:

(a) Advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes other than the defendant; or

(b) Advances or profits from prostitution of a person less than 18 years of age.

(2) Promoting prostitution in the second degree is a Class C felony.

Sec. 6223. Promoting Prostitution in the Third Degree.

(1) A person commits the crime of promoting prostitution in the third degree if he knowingly advances or profits from prostitution.

(2) Promoting prostitution in the third degree is a Class A misdemeanor.

Sec. 6301. Definitions.

The following definitions apply to this chapter:

(1) "Disseminate" means to manufacture, issue, publish; or to sell, lend, rent; or to distribute, deliver, transfer, exhibit, or present material.

(2) "Material" means any printed matter, visual representations or sound recording, and includes but is not limited to books, magazines, motion pictures, pamphlets, newspapers, pic-

tures, photographs, drawings, sculptures and tape or wire recordings.

(3) "Minor" means any person under the age of 18.

(4) "Performance" means any play, motion picture, dance or other exhibition performed before an audience.

(5) "Obscene". Any material or performance is "obscene" if:

(a) The average person applying contemporary community standards would find that the work taken as a whole appeals predominantly to the prurient interest; and

(b) It includes:

(i) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or

(ii) Patently offensive representations or descriptions of masturbation, excretory functions, or lewd exhibition of the genitals; and

(c) It, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(6) "Sexual conduct" means any act of masturbation, sexual gratification involving the sex organs of one person and the mouth or anus of another, sexual intercourse or any other act involving physical contact with a person's clothed or unclothed genitals, pubic area, anus, buttocks or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.

(7) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(8) "Sado-masochistic abuse" means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

Sec. 6305. Obscenity.

A person is guilty of the crime of obscenity when, knowing its content and character, he:

(1) Disseminates for pecuniary gain, or possesses with the intent to disseminate for pecuniary gain, any obscene material; or

(2) Produces, presents, directs or participates in for pecuniary gain any obscene performance.

(3) Obscenity is a Class A misdemeanor.

Sec. 6310. Obscenity: Presumptions.

(1) A person who disseminates obscene material or possesses the same with the intent to disseminate it in the course of his business is presumed to do so with knowledge of its content and character.

(2) Proof of possession of six or more copies of the same obscene material is prima facie evidence of possession with intent to disseminate for pecuniary gain.

Sec. 6320. Disseminating Indecent Materials to Minors.

(1) A person commits the crime of disseminating indecent material to minors if, knowing its content and character, he:

(a) Possesses obscene materials with intent to disseminate it to persons under 18 years of age; or

(b) Disseminates obscene material to a person under 18 years of age; or

(c) Produces, presents, directs or participates in any obscene performance before an audience composed substantially of persons under 18 years of age, either knowing that the audience is so composed, or having a reckless disregard of the likelihood that it is so composed.

(2) Disseminating indecent materials to minors is a Class A misdemeanor.

Sec. 6322. Disseminating Indecent Material to Minors: Presumption and Defense.

(1) A person who engages in the conduct proscribed by § 6320 is presumed to do so with knowledge of the character and content of the material disseminated.

(2) In any prosecution for disseminating indecent material to minors under § 6320, it is a defense that:

(a) The defendant had reasonable cause to believe that the minor involved was 18 years old or more; and

(b) Such minor exhibited to the defendant a draft card, driving license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more.

The burden of injecting this defense is on the defendant, but this does not shift the burden of proof.

Sec. 6325. Public Lewdness.

(1) A person commits the crime of public lewdness if:

(a) He exposes his anus or genitals in a public place and is reckless about whether another may be present who will be offended or alarmed by his act; or

(b) He does any lewd act in a public place which he knows is likely to be observed by others who would be affronted or alarmed.

(2) Public lewdness is a Class C misdemeanor.

Sec. 7001. Bigamy.

(1) A person commits bigamy when he intentionally contracts or purports to contract a marriage with another person when he has a living spouse. A person who contracts a marriage outside this State, which would be bigamous if contracted in this State, commits bigamy by cohabiting in this State with the other party to such a marriage.

(2) A person does not commit an offense under this section if:

(a) He reasonably believes that his previous marriage is void or was dissolved by death, divorce or annulment; or

(b) He and the prior spouse have been living apart for five consecutive years next prior to the subsequent marriage during which time the prior spouse was not known by him to be alive.

(c) The burden of injecting the issues under this subsection is on the defendant, but this does not shift the burden of proof.

(3) Bigamy is a Class C felony.

Sec. 7005. Adultery.

(1) A person commits adultery when he engages in sexual intercourse with another person who is not his spouse and lives in cohabitation with that other person when he or that other person is married.

(2) A person does not commit a crime under this section if he reasonably believes that he and the other person are unmarried persons. The burden of injecting this issue is on the defendant, but this does not change the burden of proof.

(3) Adultery is a Class B misdemeanor.

Sec. 7010. Incest.

(1) A person commits incest if he marries or engages in sexual intercourse with a person he knows to be, either legitimately or illegitimately:

(a) His ancestor or descendant by blood or adoption; or

(b) His brother or sister of the whole or half-blood or by adoption; or

(c) His stepchild or stepparent, while the marriage creating the relationship exists; or

(d) His aunt, uncle, nephew, or niece of the whole or half-blood.

(2) A person shall not be convicted of incest or of an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.

(3) Incest is a Class C felony.

Sec. 7025. Non-Support.

(1) A man or woman commits the crime of non-support if he or she intentionally fails to provide support which that person is able to provide and which that person knows he or she is legally obligated to provide to a dependent spouse or child less than 19 years of age.

(2) "Support" includes but is not limited to food, shelter, clothing, medical attention and other necessary care, as determined elsewhere by law.

(3) "Child" includes a child born out of wedlock whose paternity has been admitted by the actor or has been established in a civil suit.

(4) Non-support is a Class A misdemeanor.

Sec. 7030. Abandonment of Child.

(1) A man or woman commits the crime of abandonment of a child when, being a parent, guardian or other person legally charged with the care or custody of a child less than 18 years old, he or she deserts such child in any place with intent wholly to abandon it.

(2) Abandonment of a child is a Class A misdemeanor.

Sec. 7035. Endangering Welfare of Child.

(1) A man or woman commits the crime of endangering the welfare of a child when:

(a) He or she knowingly directs or authorizes a child less than 16 years of age to engage in an occupation involving a substantial risk of danger to his life or health; or

(b) He or she, as a parent, guardian or other person legally charged with the care or custody of a child less than 18 years of age, fails to exercise reasonable diligence in the control of such child to prevent him or her from becoming a "dependent child" or a "delinquent child", as defined in Article 5-101, Act No. 1205, S. 400, Acts of Alabama 1975, Regular Session.

(2) Endangering the welfare of child is a Class A misdemeanor.

A person does not commit an offense under Section 7025 or Section 7035 for the sole reason he provides a child under the age of 19 years or a dependent spouse with remedial treatment by spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical treatment.

Sec. 9901. Laws Repealed.

Title 1, sections 5, 7 and 11, Alabama Code are hereby repealed.

Title 2, sections 11, 188, 315(2) [Act No. 134, § 2, H. 210, 1947, Regular Session, (Acts of 1947, p. 43)], 401(66) [Act No. 1049, § 14, S. 8, 1969, Regular Session (Acts of 1969, p. 1951)], 471(6) [Act No. 481, § 7, S. 236, 1945, Regular Session (Acts of 1945, p. 719)], 603, and 632, Alabama Code are hereby repealed.

Title 3, sections 8, 11, 12, 55(8) [Acts No. 258, § 5, H. 236, 1959, Regular Session (Acts of 1959, p. 823)], [Act No. 132, S. 132, 1975, Regular Session (Acts of 1975)], Alabama Code are hereby repealed.

Title 4, section 20(30)(6) [Act No. 402, § 7, S. 217, 1945, Regular Session (Acts of 1945, p. 639)], Alabama Code is hereby repealed.

Title 5, sections 34, 38, 39, 40, 139, 144 and 145, Alabama Code are hereby repealed.

Title 8, sections 44(2) [Act No. 357, § 2, S. 156, 1951 Regular Session (Acts of 1951, p. 644)], 80, 212, 213, 214, 215, 217, 231(11) [Act No. 169, § 10, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], 231(13) [Act No. 169, § 12, H. 27, 1945, Regular Session (Acts of 1945, p. 289)], Alabama Code are hereby repealed.

Title 11, section 40, Alabama Code is hereby repealed.

Title 12, section 42, Alabama Code is hereby repealed.

Title 13, sections 125(69)[Act No. 115, § 9, H. 332, 1953, Regular Session (Acts of 1953, p. 164) as amended], 224, 236, 281, 289, 502 [Act No. 535, § 6, H. 724, 1953, Regular Session (Acts of 1953, p. 750)], Alabama Code are hereby repealed.

Title 14, sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22(1)[Act No. 640, § 1, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 22(2)[Act No. 640, § 2, H. 339, 1947, Regular Session (Acts of 1947, p. 494)], 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 41(1)[Act No. 2422, H. 110, 1971, Regular Session (Acts of 1971), p. 3855)], 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 63 (as amended), 64 (as amended), 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 79(1)[Act No. 253, § 1, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 79(2)[Act No. 253, § 2, H. 264, 1947, Regular Session (Acts of 1947, p. 107)], 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 97(1)[Act No. 907, § 1, H. 774, 1951, Regular Session, (Acts of 1951, p. 1546)], 97(2)[Act No. 907, § 2, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(3)[Act No. 907, § 3, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(4)[Act No. 907, § 4, H. 774, 1951, Regular Session (Acts of 1951, p. 1546)], 97(5)[Act No. 907, § 5, H. 774, 1951, Regular Session (Acts of 1951, p. 1547)], 97(6)[Act No. 907, § 6, H. 774, Regular Session (Acts of 1951, p. 1548)], 97(7)[Act No. 907, § 7, H. 774, 1951 Regular Session (Acts of 1951, p. 1548)], 97(8)[Act No. 907, § 8, H. 774 1951, Regular Session (Acts of 1951, p. 1548)], 98, 99, 100, 101, 103, 104, 105, 105(1)[Act No. 1116, § 1, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(2),[Act No. 1116, § 2, S. 205, 1969, Regular Session (Acts of 1969, p. 2055)], 105(3),[Act No. 1116, § 3, S. 205, 1969, Regular Session Acts of 1969, p. 2055)], 105(4),[Act No. 1116, § 4, S. 205, 1969, Regular Session (Acts of 1969, p. 2057)], 105(5), [Act No. 1116, § 5, S. 205, 1969, Regular Session, (Acts of 1969, p. 2058)], 105(6),[Act No. 1116, § 6, S. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(7),[Act No. 1116, § 7, S. 205, 1969, Regular Session (Acts of 1969, p. 2058)], 105(8),[Act No. 1116, § 8, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(9),[Act No. 1116, § 9, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(10),[Act No. 1116, § 10, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 105(11),[Act No. 1116, § 11, S. 205, 1969, Regular Session (Acts of 1969, p. 2059)], 106, 107, 108, 109, 110, 111, 112, 113, 115(1)[Act No. 38, H. 101, 1951, Regular Session (Acts of 1951, p. 247)], 116, 117, 118, 119, 119(1)[Act No.

87, S. 107, 1959, Regular Session (Acts of 1959, p. 508)], 119(2)[Act No. 574, H. 310, 1967, Regular Session (Acts of 1967, p. 1328)], 120, 120(1)[Act No. 330, H. 585, 1945, Regular Session (Acts of 1945, p. 544)], 121, 122, 123, 124, 125, 125(5)[Act No. 391, § 1, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(6)[Act No. 391, § 2, S. 33, 1955, Regular Session (Acts of 1955), p. 926) (as amended)], 125(7)[Act No. 391, § 3, S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as amended)], 125(8)[Act No. 391, § 4, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(14)[Act No. 391, § 9, S. 33, 1955, Regular Session (Acts of 1955, p. 926)], 125(15)[Act No. 391, § 10, S. 33, 1955, Regular Session (Acts of 1955, p. 926) (as amended)], 126 as amended, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 151(1)[Act No. 86 § 1, S. 106, 1959, Regular Session (Acts of 1959, p. 508)], 152, 153 (as amended), 154, 155, 156, 157, 158, 159, 160, 167, 171, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207 (as amended), 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 (as amended), 217(1)[Act No. 57, § 1, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(2)[Act No. 57, § 2, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(3)[Act No. 57, § 3, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(4)[Act No. 57, § 4, H. 192, 1961, Regular Session (Acts of 1961, p. 1922)], 217(5)[Act No. 57, § 5, H. 192, 1961, Regular Session (Acts of 1961, p. 1923)], 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 234(1)[Act No. 256, S. 244, 1949, Regular Session (Acts of 1949, p. 378)], 234(9)[Act No. 2479, § 1, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(10)[Act No. 2479, § 2, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(11)[Act No. 2479, § 3, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(12)[Act No. 2479, § 4, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(13)[Act No. 2479, § 5, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(14)[Act No. 2479, § 6, H. 2083, 1971, Regular Session (Acts of 1971, p. 3959)], 234(15)[Act No. 2479, § 7, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(16)[Act No. 2479, § 8, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(17)[Act No. 2479, § 9, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(18)[Act No. 2479, § 10, H. 2083, 1971, Regular Session (Acts of 1971, p. 3960)], 234(19)[Act No. 2479, § 11, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(20)[Act No. 2479, § 12, H. 2083, 1971, Regular Session (Acts of 1971, p. 3961)], 234(21)[Act No. 2479, § 13, H. 2083, 1971, Regular Session (Acts of 1971, p. 3962)], 235, 236, 246 (as amended), 254, 256, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 280, 281,

282, 283, 284, 285, 286, 287, 288 (as amended) 289, 291, 293, 302(1)[Act No. 799, S. 291, 1951, Regular Session (Acts of 1951, p. 1398)], 303, 304, 305, 306, 307, 308, 310, 311, 312, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326(1)[Act No. 594, S. 400, 1949, Regular Session (Acts of 1949, p. 926)], 326(a1)[Act No. 232, § 1, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a2)[Act No. 232, § 2, H. 402, 1967, Regular Session (Acts of 1967, p. 606)], 326(a3)[Act No. 232, § 3, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a4)[Act No. 232, § 4, H. 402, 1967, Regular Session (Acts of 1967, p. 607)], 326(a5)[Act No. 233, § 1, H. 403, 1967, Regular Session (Acts of 1967, p. 607)], 326(a6)[Act No. 233, § 2, H. 403, 1967, Regular Session (Acts of 1967, p. 608)], 326(a7)[Act No. 233, § 3, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(a8)[Act No. 233, § 4, H. 403, 1967, Regular Session (Acts of 1967, p. 609)], 326(2)[Act No. 397, S. 279, 1955, Regular Session (Acts of 1955, p. 932)], 331 (as amended), 332, 333, 333(1)[Act No. 258, H. 106, 1967, Regular Session (Acts of 1967, p. 736)], 334, 335, 336, 338, 339, 340, 341, 342, 343, 343(1)[Act No. 1099, S. 49, 1969, Regular Session (Acts of 1969, p. 2035)], 344, 345, 346, 346(1)[Act No. 68, H. 73, 1953, Regular Session (Acts of 1953, p. 99), (as amended)], 346(2)[Act No. 238, S. 128, 1961, Ex. Sess., (Acts of 1961, p. 2251)], 346(3)[Act No. 663, S. 35, 1965, Regular Session (Acts of 1965, p. 1197)], 346(4)[Act No. 1083, S. 861, 1969, Regular Session (Acts of 1969, p. 2019)], 352, 353, 354, 355, 356, 358(1)[Act No. 139, S. 155, 1949, Regular Session (Acts of 1949, p. 165)], 359, 360, 361, 362, 362(1)[Act No. 886, H. 408, 1953, Regular Session (Acts of 1953, p. 1192)], 363, 364, 365, 366, 367, 368, 369, 370, 371, 371(1)[Act No. 149, H. 180, 1956, 1st Ex. Sess (Acts of 1956, p. 214)], 372, 373, 374, 374(1)[Act No. 856, § 1, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(2)[Act No. 856, § 2, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(3)[Act No. 856, § 3, S. 242, 1961, Regular Session (Acts of 1961, p. 1310)], 374(4)[Act No. 856, § 4, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(5)[Act No. 856, § 5, S. 242, 1961, Regular Session (Acts of 1961, p. 1311)], 374(6)[Act No. 856, § 6, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(7)[Act No. 856, § 7, S. 242, 1961, Regular Session (Acts of 1961, p. 1312)], 374(8)[Act No. 856, § 8, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(9)[Act No. 856, § 9, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(10)[Act No. 856, § 10, S. 242, 1961, Regular Session (Acts of 1961, p. 1313)], 374(11)[Act No. 856, § 11, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(12)[Act No. 856, § 12, S. 242, 1961, Regular Session (Acts of 1961, p. 1314)], 374(13)[Act No. 856, § 13, S. 242, 1961, Regular Ses-

sion (Acts of 1961, p. 1314)], 374(14)[Act No. 856, § 14, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(15)[Act No. 856, § 15, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(16)[Act No. 856, § 16, S. 242, 1961, Regular Session (Acts of 1961, p. 1315)], 374(16a)[Act No. 408, § 1, H. 111, 1969, Regular Session (Acts of 1969, p. 801)], 374(16b)[Act No. 408, § 2, H. 111, 1969, Regular Session (Acts of 1969, p. 802)], 374(16c)[Act No. 408, § 3, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16d)[Act No. 408, § 4, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16e)[Act No. 408, § 5, H. 111, 1969, Regular Session (Acts of 1969, p. 803)], 374(16f)[Act No. 408, § 6, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16g)[Act No. 408, § 7, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16h)[Act No. 408, § 8, H. 111, 1969, Regular Session (Acts of 1969, p. 804)], 374(16i)[Act No. 408, § 10, H. 111, 1969, Regular Session (Acts of 1969, p. 805)], 374(16j)[Act No. 698, § 1, S. 45, 1969, Regular Session (Acts of 1969, p. 1253)], 374(16k)[Act No. 698, § 2, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16L)[Act No. 698, § 3, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16m)[Act No. 698, § 4, S. 45, 1969, Regular Session (Acts of 1969, p. 1254)], 374(16n)[Act No. 698, § 5, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(16o)[Act No. 698, § 6, S. 45, 1969, Regular Session (Acts of 1969, p. 1255)], 374(17)[Act No. 274, H. 167, 1965, 1st-Ex. Sess. (Acts of 1965, p. 382)], 374(18)[Act No. 746, § 1, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(19)[Act No. 746, § 2, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 374(20)[Act No. 746, § 3, S. 509, 1967, Regular Session (Acts of 1967, p. 1600)], 375, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 392, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, (407(1), ct. No. 504, H. 745, 1961, Regular Session (Acts of 1961, p. 601)], 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 419(2)[Act No. 519, § 1, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 419(3)[Act No. 519, § 2, H. 469, 1953, Regular Session (Acts of 1953, p. 684)], 423, 424, 425, 426 (as amended), 426(1)[Act No. 60, H. 80, 1953, Regular Session (Acts of 1953, p. 88)], 427, 429, 430, 430(1)[Act No. 533, S. 116, 1963, Regular Session (Acts of 1963, p. 1146)], 431, 432 (as amended), 433, 436, 436(1)[Act No. 520, H. 260, 1943, Regular Session (Acts of 1943, p. 487)], 436(2)[Act No. 125, S. 49, 1951, Regular Session (Acts of 1951, p. 354)], 437, 438, 439, 440, 441, 442, 443, 444, Alabama Code are hereby repealed.

Title 15, sections 11, 33, 156, 323, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, Alabama Code are hereby repealed.

Title 17, sections 287, 288, 290, 291, 292, 307, 309, 310, 313, 323, 324, 329, 334, Alabama Code are hereby repealed.

Title 22, sections 146, 168, 169, 171, 172, 204(71) [Act No. 394, § 17, H. 204, 1957, Regular Session (Acts of 1957, p. 539)], Alabama Code are hereby repealed.

Title 23, sections 96, 125, 126, 128, 129, 130, 131 (as amended) 131(1) [Act No. 55, § 1, H. 190, 1961, Ex. Session (Acts of 1961, p. 1920)], 135, 137, Alabama Code are hereby repealed.

Title 24, sections 8 (as amended) and 18 (as amended) Alabama Code are hereby repealed.

Title 25, section 36 Alabama Code is hereby repealed.

Title 26, sections 70, 82, 166(72) [Act No. 207, § 71, S. 134, 1949, Regular Session (Acts of 1949, p. 280)], 179(43) [Act No. 1, § 20, H. 46, 1945, Regular Session (Acts of 1945, p. 14)], 314, 315, 316, 317, 318, 319, 322, 324 (as amended), 359, 372, 275, 384 [Act No. 298, § 9, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 385 [Act No. 298, § 10, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], 386 [Act No. 298, § 11, S. 341, 1943, Regular Session (Acts of 1943, p. 256)], Alabama Code are hereby repealed.

Title 28A, sections 229 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) (as amended)], 230 [Act No. 608, § 4, H. 377, 1957, Regular Session (Acts of 1957, p. 866) as amended)], 231 [Act No. 407, § 231, H. 198, 1971, Regular Session (Acts of 1957, p. 830) (as amended)], Alabama Code are hereby repealed.

Title 30, section 49, Alabama Code is hereby repealed.

Title 34, sections 1 (as amended), 2, 13, and 90 Alabama Code are hereby repealed.

Title 37, sections 34(65) [Act No. 663, § 46, S. 132, 1961, Regular Session (Acts of 1961, p. 862)], 34(118) [Act No. 663, § 47, S. 132, 1961, Regular Session (Acts of 1961, p. 903)], Alabama Code are hereby repealed.

Title 38, sections 93, 94, 95, 96, 97(37) [Act No. 769, § 2, H. 749, 1969, Regular Session (Acts of 1969, p. 1368)], and 113, Alabama Code are hereby repealed.

Title 41, sections 28, 143, 146, 203, 204, 205, 206, 207, 208, 209, 210, 211 (as amended), 212, 213, 214, 216, 218, 219, 221 (as amended), and 222 Alabama Code are hereby repealed.

Title 45, sections 112, 113, 113(1) [Act No. 10, S. 125, 1949,

Regular Session (Acts of 1949, p. 24)], 149, 188(5)[Act No. 307, § 5, H. 271, 1971, 3rd Ex. Session (Acts of 1971, p. 4596) (as amended)], Alabama Code are hereby repealed.

Title 46, section 257(39)[Act No. 107, § 14, H. 151, 1959, Regular Session (Acts of 1959, p. 609)], Alabama Code is hereby repealed.

Title 48, sections 198, 398, 401, 402, 403, 407, 409, 410, 411, 412, 413, 414, 415 (as amended), 417(3)[Act No. 587, S. 24, 1963, Regular Session (Acts of 1963, p. 1284)], 417(4)[Act No. 698, § 1, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(5)[Act No. 698, § 2, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 417(6)[Act No. 698, § 3, H. 28, 1965, Regular Session (Acts of 1965, p. 1298)], 419, 424, 438, 440, 454, 455, 456, 457, 458, 460, 461, 462, 465, 466, Alabama Code are hereby repealed.

Title 49, section 17(21)[Act No. 702, § 20, H. 1097, 1951, Regular Session (Acts of 1951, p. 1223) (as amended)], Alabama Code is hereby repealed.

Title 51, sections 394[Act No. 75, H. 16, 1945, Regular Session (Acts of 1945, p. 72) (as amended)], 431(10)[Act No. 2, § 10, H. 47, 1945, Regular Session (Acts of 1945, p. 24)], 833, Alabama Code are hereby repealed.

Title 52, sections 137, 584, 613(15)[Act No. 822, § 15, S. 107, 1947, Regular Session (Acts of 1947, p. 378)], 614, 618, 619, Alabama Code are hereby repealed.

Title 53, sections 40[Act No. 542, § 13, S. 282, 1959, Regular Session (Acts of 1959, p. 1342)], 52[Act No. 542, § 26, S. 282, 1959, Regular Session (Acts of 1959, p. 1349)], Alabama Code are hereby repealed.

Title 54, sections 6, 7, 8, 23, 27, Alabama Code are hereby repealed.

Title 55, sections 48, 59, 289(7)[Act No. 293, § 2, S. 305, 1945, Regular Session (Acts of 1945, p. 486)], 289(9)[Act No. 293, § 4, S. 305, 1945, Regular Session (Acts of 1945, p. 487)], Alabama Code are hereby repealed.

Title 57, sections 93, 109, 110, 111, 148[Act No. 553, § 18, H. 914, 1965, Regular Session (Acts of 1965, p. 1034)], Alabama Code are hereby repealed.

Title 60, sections 19 and 38 Alabama Code are hereby repealed.

Wherever in the foregoing section reference is made to Alabama Code, the same shall be taken to mean the official

Code of Alabama, 1940, as amended, except where, after adoption of the 1940 Code there has been a subsequent independent statute embraced in the current compilation of Michie Publishing Company known as the Code of Alabama, Recompiled, 1958, with its current cumulative supplement. The provisions of said Recompiled Code are identified by a particular Title and a Section not shown in the official Code, or a particular Title and a Section followed by an Arabic number enclosed in parentheses. The independent statutes thus referred to are repealed. Nothing in this act shall be construed as amending or repealing any provision of Act No. 2431, Regular Session 1971, amended by Act No. 97 Regular Session 1973, and further amended by Act 1095 Regular Session 1975, nor shall anything in this act be construed as amending or repealing any provision of Act No. 376, H. 1040, Regular Session 1975.

Sec 9902. Conflicting Laws.

All laws or parts of laws which conflict with this act are hereby repealed.

Sec. 9905. Saving Section.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this act takes effect, are hereby saved and may be consummated according to the law in force when they were commenced. This act shall not be construed to affect any prosecution pending or begun before the effective date of this act.

Sec. 9910. Time of Taking Effect.

This act shall take effect one year after its passage and approval thereof by the Governor or one year after its otherwise becoming law as provided in Article 5, Section 125 of the Constitution of Alabama of 1901.

Sec. 9915. Severability.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Approved May 16, 1977.

Time: 6:00 P.M.

Act No. 608

H. 551—Kennedy

AN ACT

An act, to supplement the salaries of the District Judges of the Thirteenth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The salaries of each judge of the District Court of the Thirteenth Judicial Circuit shall be supplemented by the county which makes up said judicial circuit in an amount so that the total salaries of each judge of the District Court shall be equal to 90% of the amount paid to a judge of the Circuit Court of said Judicial Circuit. Said amount shall be paid in equal monthly installments in the same manner as is paid to a judge of the said Circuit Court, and shall be paid from the general fund of the County of said Judicial Circuit.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall be retroactive to January 16, 1977.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 609

H. 760—Lutz

AN ACT

To provide an expense allowance for each District Judge of the District Court of Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Each of the District Judges of the District Court of Madison County, Alabama, shall receive an annual expense allowance payable from the general funds of Madison County, to pay the reasonable and necessary expenses of the Judges of the District Court incurred in or about the performance of their duties as Judges. Such expenses shall include, but shall not be limited to: professional association dues; expenses of professional conferences and seminars, including travel, lodging, and registration fees at such conferences; expenses of meetings intended to promote the skill and competence of the District Judges; books; equipment; and professional journals. The expenditures hereby authorized shall not exceed \$1500 per District Judge per year. Such expenses shall be in addition to any other salary, compensation or allowance provided for by law to such District Judge.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 610

H. 761—Sparks, Crowe

AN ACT

To amend Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) entitled "An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing expense allowances for the Circuit Court Register in such counties," so as to change the expense allowance to a salary supplement.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act No. 64, H. 92, 1975 Third Special Session (Acts 1975, p. 291) are amended to read as follows:

"An Act Relating to counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, providing salary supplements for the Circuit Court Register in such counties.

"Section 1. In all counties having populations of not less than 16,600 nor more than 16,950 according to the most recent federal decennial census, the Circuit Court Register shall be entitled to a salary supplement in the amount of \$3,600.00 per annum, which supplement shall be paid to such officer from the general funds of the county in equal monthly installments at the end of each month."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 611

H. 783—Carothers, Crawford, Smith (J)

AN ACT

To provide that all real estate shall be assessed for ad valorem tax purposes according to its value in actual use and not according to any speculative or potential use in all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. All real estate in any county to which this act applies shall be assessed for ad valorem tax purposes according to its value in actual use.

Section 3. In any county to which this act applies, no real estate shall be assessed on the basis of its speculative use or value. Even though real property may actually be zoned for potential residential or commercial use, it shall not be assessed for ad valorem tax purposes for such zoned, potential use if the actual use is farming or agricultural.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 612

H. 835—Sandusky, McMillan, Sonnier

AN ACT

To amend Title 3, of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for

a referendum of the voters of the County on the question of whether the act will become effective in the County," to amend and change the compensation of each member of the Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, entitled "relating to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the pari mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Acts; and to provide other penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the County on the question of whether the Act will become effective in the County," is hereby amended to read as follows: Section 3.

"The compensation of each member of the Commission shall be FIVE HUNDRED (\$500.00) DOLLARS per month. One member of said Commission shall be required to be in attendance at each racing event, and said designated member shall receive an additional FIFTY (\$50.00) DOLLARS as compensation for attendance at such racing event while engaged in the performance of his duties. The above sums shall be paid out of the funds in the county treasury deposited to the credit of the County Racing Commission, shall be paid to the Commissioners in the same manner as the compensation of other county officers is paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 613

H. 1289—Johnson, Robertson, Lee, Howard,
Owens

AN ACT

Relating to all counties having a population of not less than One Hundred Fifteen Thousand (115,000) and not more than One Hundred

Fifty Thousand (150,000) according to the 1970 or any subsequent decennial census; relating to voter registration; to provide for compensation of the board of registrars; to provide for meetings and times and places of registration by the board; to provide for the attendance by at least one registrar at the courthouse on each regular working day except when the full board is in session; to provide for purging of voter lists; to provide for the publication of the list of registered voters.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having a population of not less than One Hundred Fifteen Thousand (115,000) and not more than One Hundred Fifty Thousand (150,000) according to the 1970 or any subsequent decennial federal census.

Section 2. Compensation; Allowances. Each registrar shall receive Twenty and 00/100 Dollars (\$20.00) per day for each day's attendance upon business of the board to be paid by the state and disbursed on order of a quorum of the board of registrars of the county. Transportation for said board shall be furnished by the county when said board members are registering in the precincts.

Section 3. Session of Board; Working Days of Registrars. Each board of registrars may meet a maximum of 150 session days each year to carry out its lawful duties. The actual number of session days shall be determined by a quorum of the board according to the needs of the county. As many as 25 session days may be used for special registration sessions (i.e., those sessions held away from the courthouse or sessions held on Monday through Friday during hours set by the board) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both.

On any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board to receive applications and administer oaths.

Section 4. Precinct Visits. At the discretion of the board of registrars or at the request of 25 persons eligible but not registered to vote, one or more members or deputies of the board shall visit voting precincts, high schools or colleges within the county for the purpose of taking oaths or applications

or registering voters. The remaining member or members, if any there be, shall be in attendance at the courthouse on those days to receive oaths and applications there.

Section 5. Deputy Registrars. Each board may appoint deputy registrars to aid it in its performance of its lawful duties. Any person serving as a deputy registrar shall be trained by the board of registrars and shall serve without compensation. The board shall provide deputy registrars with all necessary registration forms and when such forms are completed, the deputy registrar shall return them to the office of the board of registrars before the close of business on the next business day.

Section 6. Registration Deadline. The boards of registrars in the several counties of the state or their deputies shall not register any person as a qualified elector within 10 days prior to any election. Provided, however, that the boards shall maintain open offices during business days in such 10-day period and on election day during the hours of voting.

Section 7. In addition to all other duties now required by law, the probate judge of the several counties of this state shall furnish to the board of registrars of the county once each month, a list of all residents of the county, eighteen years of age or over, who have been declared mentally incompetent.

Section 8. Purgation of Lists. The board shall purge the registration list whenever it receives and confirms information that a person registered to vote in the county has died, become a non-resident of the state, or county, been declared mentally incompetent, been convicted of any offense mentioned in Section 182 of the Constitution since being registered, or otherwise become disqualified as an elector. A person convicted of a disqualifying offense must be notified by certified mail of the board's intention to strike his name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending. Notice of the names of all other persons proposed to be stricken from the list shall be published, in some newspaper published in the county.

On the date set in the notice, or at a later date to which the case may have been continued by the board, the board shall proceed to consider the case of such elector whose name it proposes to strike from the registration list and determine the same. Any person whose name is stricken from the list may appeal from the decision of the board, without giving security for costs, and a trial by jury may be had; and the board shall forthwith certify the proceedings to the circuit clerk, who shall docket the case in the circuit court.

When the board has sufficient evidence furnished it that any elector has permanently moved from one precinct to another within the county, it shall transfer the name of such elector to the registration list of the precinct to which such elector has moved, and shall give notice by mail to such elector if the elector has not requested the change of registration.

Any member or deputy of the board of registrars who neglects or willfully refuses to perform the duties herein required of him shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

Section 9. Reason for Striking Electors Name Required to be Recorded. When the name of any elector is stricken from the registration list, the records maintained by the board of registrars must show the reason for striking the elector from the list.

Section 10. Rules of Board. The board of registrars may make such rules and regulations as it deems proper for the receipt of applications for registration and the accomplishing in as expedient a manner as possible the registration of those entitled to register, but no person shall be registered until a majority of the board of registrars has passed favorably upon such person's qualifications.

Section 11. Voter Signature Book. At every general, special, primary or municipal election, the probate judge must distribute to each polling place a voter signature book to be signed by each person voting at the election or by an election official acting for the voter if such voter is unable to sign, which fact must be noted thereon. Beside each space intended for a voter's signature shall be a suitable blank space for the printed name and the current address and telephone number of the voter, and the voter shall be instructed to supply this information when he signs the book. After the period for contest of elections has elapsed, the book shall be delivered to the board of registrars to become part of the records of that board and shall be retained for four years from the date of receipt, provided, however, that the book shall not be deemed a public record open to public inspection.

Section 12. Suspension of Registration. The board of registrars shall establish a method of recording, by comparison of the voter signature book with the registered voter list, whether each registered voter in the county has voted or failed to vote in any election held after the effective date of this act. After the general election of 1982 and each general election

thereafter the boards of registrars shall suspend the registration and remove from the registered voters list the names of those registered voters who have failed to vote in at least one election for which they were registered, held during the preceding four years provided proper notice is given as hereinafter required. A record of all suspensions under this section shall be maintained by the board.

Section 13. Notice to Voters Suspended. (1) The board shall make a diligent effort to give notice to each voter whose registration is to be suspended by any procedure which is reasonably designed to give personal notice to the voter.

(2) The name of each voter who cannot be located at the address given in the records of the board shall be published in a newspaper of general circulation within the county with notice that the registration of each of these voters will be suspended unless the person reidentifies himself.

Section 14. Reidentification Procedure. Any voter notified that his registration is to be suspended may within 60 days after such notice reidentify himself by one of the following methods:

(1) The voter may reidentify by appearing in person before the board of registrars or any person authorized to act instead of the board and by giving notice of his current residence.

(2) The voter may reidentify by mailing a signed statement of intent to reidentify to the board or any person authorized to act instead of the board and by giving notice of his current residence. The board may prescribe forms and postcards for voters to use for reidentification.

Section 15. Suspended Voter Removed from Registered Voter List; Reregistration Required. If a voter does not reidentify himself within 60 days of notice of intent of the board to suspend him, his registration shall be suspended and his name shall be removed from the registered voter list. Any voter thus suspended must reidentify himself in order to regain his status as a registered elector of the county.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 614

H. 1170—Ford, Taylor, Rich, Brindley

AN ACT

To provide for the payment of retirement benefits for retired probate judges of Etowah County, said benefits to be the same as those retirement benefits granted to state circuit court judges as provided Act No. 1163, passed by the Alabama Legislature and approved September 18, 1973, said retirement benefits to such probate judges to be paid from the general fund of Etowah County, and to provide that such probate judge shall forfeit all retirement benefits under the general law of the State if such probate judge elects to come under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Persons who have served as probate judges of Etowah County and who are entitled to retirement status as provided under the general law of the State and who have elected to retire pursuant to such general law and who have further elected not to receive retirement benefits as provided under such general State law, shall be entitled to be paid from the general fund of Etowah County those same retirement benefits as granted to State circuit judges under Act No. 1163, passed by the Alabama Legislature and approved September 18, 1973, and all other retirement benefits granted to State circuit court judges under state law, provided, however, that any such probate judge electing to come under the provisions of this act shall forfeit all retirement benefits such probate judge would have received under the general law of the State.

Section 2. All laws or parts of laws in conflict herewith are repealed.

Section 3. Should any part of this Act be declared unconstitutional, the part which remains shall not be affected.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 615

H. 1182—Moore (O), Waggoner

AN ACT

To amend the title and Sections 1 and 2 of Act No. 1188, H. 1488, 1975 Regular Session (Acts of 1975, p. 2319), entitled "An Act To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers," so as to eliminate the expense allowance of the judge of the inferior court and the circuit

clerk; to provide an allowance for the district court magistrate; to provide that the allowances are mandatory; and to provide that the expense allowance of county commissioner members remains an expense allowance, rather than becoming a salary at the commencement of a new term; and to provide retroactivity to the provisions of this amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Sections 1 and 2 of Act No. 1188, H. 1488, 1975 Regular Session (Acts of 1975, p. 2319) are hereby amended to read as follows:

“An Act To provide that the Shelby County Commission is authorized and directed to provide an additional expense allowance to certain county officers.

“Section 1. The Shelby County Commission is authorized and directed to provide an additional expense allowance in an amount not to exceed \$2,600 per year to any of the following: The probate judge, the sheriff, the tax assessor, the tax collector, and the magistrate of the district court and an expense allowance of \$1,200 per year to each member of the Shelby County Commission including the chairman. Said expense allowances shall be in addition to any compensation and allowances heretofore prescribed by law and shall be payable in equal monthly installments from the general fund of the county, beginning February 1, 1977.

“Section 2. At the commencement of a new term of office for each of the county officials designated in Section one, except in the case of the county commission members and the district court magistrate, all fixed expense allowances provided by statute and payable to any of such officials shall be added to and become part of the salary of any such official and shall not continue to be paid as an expense allowance. In the case of the county commission members, including the chairman, all fixed expense allowances provided by statute shall continue to be paid as an expense allowance and shall not become a part of the salary of the county commissioners.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 with approval by the Governor.

Act No. 616

H. 1183—Carothers, Crawford, Smith (J)

AN ACT

Relating to counties having populations of not less than 56,500 nor

more than 59,000 according to the 1970 or any subsequent federal decennial census; to increase the expense allowance of the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The coroner of any county to which the provisions of this act applies shall receive an additional expense allowance of \$100.00 per month. Said expense allowance shall be in addition to any compensation and allowances heretofore prescribed by law and shall be payable in equal monthly installments from the general fund of the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 617

H. 1233—Pegues, Edwards

AN ACT

To amend the title and Sections 1 and 4 of Act No. 969, H. 2064, Regular Session 1973, (Acts 1973, p. 1485), relating to certain county supplementary pay by Dallas County to any circuit judge of the county, so as to provide the same supplementary pay to the district judge of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Sections 1 and 4 of Act no. 969, H. 2064, Regular Session 1973, (Acts 1973, p. 1485) are hereby amended to read as follows:

“An Act To permit the Court of County Commissioners, or any similar or successor governing body of Dallas County to supplement from county funds any district court judge who resides in and serves the county, and any circuit court judge residing in the county and serving the circuit court of the county.

“Section 1. The court of county commissioners, or any successor county governing body of Dallas County is hereby authorized and empowered, but not required, to pay a sum of up to, but not exceeding \$6,000 per year as supplemental salary

to any district court judge who resides in and serves Dallas County, and to any circuit court judge who resides in and serves the circuit court for said county.

"Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law; however no circuit court or district court judge to which this act applies holding office on the effective date of this act shall receive any funds herein authorized in accordance with the Constitution of Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 618

H. 1048—Wyatt

AN ACT

To amend Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature to allow a former member of the Montgomery County retirement system who becomes reemployed by the County to repay his withdrawn funds and have his previous creditable service restored.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 356 of the 1973 Session of the Alabama Legislature is amended by adding the following subsection:

"(6) Anything in this act to the contrary notwithstanding any employee who is now a member of the retirement system, or who becomes a member of the retirement system at a future date, who had previously withdrawn his funds from either the retirement system or whose account had been terminated shall have restored to him all creditable service, provided that said employee completes five (5) years of contributing membership service after he again becomes a member of the retirement system and repays the amount previously returned to him to the treasurer of the retirement system within eight (8) months after completion of five (5) years of contributing membership service or, if such employee has completed five (5) years of contributing membership service when this subsection becomes effective, then within eight (8) months after the effective date hereof."

Section 2. This act shall become effective on the first

day of the first month next following the date of its passage by the legislature and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 619

S. 548—Jones

AN ACT

Relating to counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide for a county supplement to the state pay for the district judges in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The district judges in each county to which this act applies shall be entitled to receive a supplement of \$3,500.00 per year. Such supplement shall be paid out of the county general fund and shall be in addition to that salary prescribed by law to be paid such district judge by the state.

Section 3. This act shall become effective October 1, 1977 and upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 620

S. 843—Stewart

AN ACT

Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The county coroner shall receive in addition to all other compensation and allowances provided by law, an expense allowance of \$200.00 per month to be paid out of the county treasury.

Section 3. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, without approval by the Governor.

Act No. 621

H. 916—Smith (J), Crawford, Carothers

AN ACT

Relating to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 56,500 nor more than 59,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In addition to any and all other salary, compensation and expense allowances provided for by law, the members of the county commission in counties to which this Act applies shall be paid an additional expense allowance in the amount of \$150 per month from the county general fund.

Section 3. The provisions of this Act shall become effective on the first day of the month next following the date this Act becomes law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 622

H. 968—Crawford, Sasser

AN ACT

To fix and regulate the payment of the compensation and expenses of members of the county board of education of every county which has a population of not less than 13,200 nor more than 13,400.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of every county in this state which has a population of not less than 13,200 nor more than 13,400 according to the last or any subsequent federal decennial census, shall receive from the public school funds of the county the sum of seven dollars and fifty cents (\$7.50) per day for attendance at meetings of the board and the sum of one hundred fifty dollars (\$150.00) per month as an allowance for expenses incurred in attending meetings and transacting business of the board. Members of the board shall not be allowed per diem for more than twenty-four (24) days in any one year. Such compensation and expense allowance shall be paid in the same manner as provided for the payment of the compensation of teachers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 623

H. 1202—McNees

AN ACT

Relating to all counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census; further regulating expense allowances for all members of the county board of education in such counties; and providing that the payment therefor be made from the public school funds of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,245 nor more than 16,300 inhabitants according to the 1970 or any subsequent federal decennial census, the members of the county board of education shall each be paid from the public school funds of the county an additional expense allowance of twenty dollars (\$20.00) per meeting of the board. Such additional compensation shall be paid at the same time and in the same manner as prescribed by law.

Section 2. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating expense allowances for members of the county boards of edu-

cation in counties to which this act applies; provided, however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 3. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 624

H. 1304—Folmar, Holley

AN ACT

To regulate further the compensation of the judges of the 12th judicial circuit; providing for a supplement to the salary of such judges payable by the counties composing the circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The salaries of the judges of the 12th judicial circuit in this state, shall be supplemented by the counties composing said circuit. Such supplement shall be in the sum of seven thousand dollars (\$7,000) per annum, and shall be paid in lieu of all supplements heretofore provided by law for such judges, and shall be payable by the counties composing the circuit, share and share alike, in equal monthly installments, on requisitions of the judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 625

H. 1344—Drake, Sparks

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 52,500; to provide for additional expense allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be effective

only in those counties with populations of not less than 50,000 nor more than 52,500 inhabitants, according to the 1970 or any succeeding federal decennial census.

Section 2. The judge of probate, each member of the county governing body, the sheriff, coroner, tax assessor and tax collector shall each be entitled to receive an additional expense allowance in an amount equal to ten percent (10%) of his respective total compensation, including salary, salary supplements and other expense allowances. Such additional expense allowance shall be payable from the county general fund in the same manner and at the same times as the salary of the respective officer is paid.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 626

H. 1352—Reed

AN ACT

Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Macon County is authorized and directed to pay to the circuit clerk in Macon County an expense allowance in an amount not less than \$2,400 nor more than \$3,000 per annum, payable in equal monthly installments from the county general fund. Such expense allowance shall be in addition to all compensation or allowances heretofore payable to such officer.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 627

H. 484—Merrill

AN ACT

To provide for the salary of the Governor.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Governor shall be fifty thousand dollars (\$50,000) per annum, payable in the same manner as the salaries of other state officers are paid.

Section 2. This Act shall become effective upon the expiration of the term of office of the present Governor.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 628

H. 1035—Turnham, Whatley

AN ACT

To amend the title and sections 2 and 3 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", so as to change the method of identification, to increase the penalty for failing to pay registration fee at the proper time, to provide for the allocation of revenue received from such penalty, to replace the term house trailer with mobile home and to properly number the sections.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and sections 2, 2, 3, 4, 5 and 6 of Act No. 481, H. 1193, 1976 Regular Session (Acts of 1976, p. 597), entitled "To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations", are hereby amended to read as follows:

"To regulate the registration and identification of certain mobile homes in all counties having a population of not less than 60,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

"Section 2. Every person, firm, or corporation who owns, maintains, or keeps in such counties a mobile home, except a mobile home which constitutes a part of his stock as a dealer and except a mobile home which has been assessed for ad valorem taxation as a part of the realty, shall pay an annual registration fee of three dollars (\$3.00). Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as separate

from the realty on which it sits shall receive a colored decal upon the payment of both his mobile home registration fee and ad valorem taxes on the mobile home. Every person, firm, or corporation who owns, maintains, or keeps a mobile home which is considered for ad valorem tax purposes as a part of the realty on which it sits shall receive an alternative color decal upon the payment of the ad valorem tax on said mobile home. Said decals shall be designed by the state department of revenue and displayed on the trailer for which the registration fee and/or ad valorem taxes was paid on or near the front entrance in such manner that it shall be readily accessible to the view of the license inspector. Such fee shall be paid to the judge of probate in such counties and shall be due, payable, and delinquent at the same times that motor vehicle licenses are due, payable, and delinquent. After payment of administrative expenses, including designer's fees, said judge shall distribute the proceeds of such registration fees at the same time and in the same proportions and under the same pains and penalties as the proceeds of motor vehicle license fees are distributed and said judge shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags in such counties.

"Section 3. The owner of any mobile home who fails to pay the registration fee hereby provided for or who fails to display the identification plate or decal on such mobile home, as required in Section 1 of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). In addition to all applicable criminal sanctions, a penalty of thirty dollars (\$30.00) shall be assessed against any person, firm, or corporation who fails to pay their registration fee at the proper time. The thirty dollars (\$30.00) penalty shall be distributed as follows: twenty-five dollars (\$25.00) to the county general fund and five dollars (\$5.00) to the office of the license inspector.

"Section 4. The judge of probate in such counties and the state department of revenue are hereby empowered to promulgate and carry out all rules and regulations necessary to implement the provisions of this act.

"Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 7. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on May 17, 1977 without approval by the Governor.

Act No. 629

H. 483—Merrill

AN ACT

To provide for and further regulate salaries payable to certain State officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 171, Regular Session of the Legislature, 1969, is hereby amended to read as follows:

"Unless otherwise fixed by law, the salaries of appointed department heads or those otherwise considered members of the Governor's cabinet, shall be fixed by the governor at an amount not to exceed \$35,000 per annum; the salaries of the appointed assistant department heads, or those otherwise considered as the Governor's assistant cabinet members, shall be fixed by the governor at an amount not to exceed \$30,000 per annum; the salaries of other officers and employees appointed in the exempt service, the executive assistants in the Governor's Office, shall be fixed by the governor at an amount not to exceed \$25,000 per annum; provided that where some other authority than the governor appoints such an officer or employee, the salary shall be fixed by the appointing authority with the approval of the governor and the State Personnel Board. In fixing such salaries the governor or other appointing authority shall give due consideration to the salaries of comparable positions in other states, and in private industry in Alabama."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 17, 1977.

Time: 5:55 P.M.

Act No. 630

H. 915—Morris

AN ACT

To authorize the district attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the Fifth Judicial Circuit, may appoint one chief deputy district attorney who shall serve at the pleasure of the district attorney.

Section 2. The chief deputy district attorney may, and is hereby empowered to, perform any of the duties which the district attorney can perform when any such duty is assigned to him by the district attorney, and said chief deputy district attorney shall perform other duties assigned to him by the district attorney.

Section 3. The chief deputy district attorney shall be a bona-fide resident of the Fifth Judicial Circuit of Alabama.

Section 4. The chief deputy district attorney shall be paid an annual salary of \$18,000.00. Such salary shall be paid out of the state treasury in the same manner that the salaries of the district attorneys are paid.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1977.

Time: 12:25 P.M.

Act No. 631

S. 722—Shelby

AN ACT

To provide further for the compensation of the Director of the Legislative Reference Service.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Director of the Legislative

Reference Service shall not be less than that of the Director of the Legislative Fiscal Office, and is hereby increased in an amount sufficient to provide that the present salary of said Director of the Legislative Reference Service equals that of the Director of the Legislative Fiscal Office.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1977.

Time: 12:25 P.M.

Act No. 632

S. 427—Fine

AN ACT

To further authorize each District Attorney to employ assistants to be paid from funds appropriated or otherwise available for that purpose and to provide for the submission of a unified budget for the funding of the Office of District Attorney of the several Judicial Circuits.

Be It Enacted by the Legislature of Alabama:

Section 1.

The District Attorney of each Judicial Circuit is hereby authorized to employ in such a manner as he shall determine necessary assistant district attorneys, investigators, clerical, secretarial, and other personnel, who shall be paid from funds available for that purpose.

The District Attorney is authorized to supplement the salaries of personnel employed within his office.

The District Attorney is authorized to use funds available to him from all sources such as grants, appropriations, gifts, and other sources for the purposes herein stated or for any other Law Enforcement purpose.

Counties are authorized to supplement state expenditures as they deem necessary and shall provide such other financial support as required by laws in effect on September 30, 1977.

Section 2.

Each District Attorney shall submit to the Office of Prosecution Services 60 days prior to each general session of the State Legislature a written report containing an estimate in itemized form showing the amount needed for personnel and office expenses for the year beginning October 1, 1978, and

each fiscal year thereafter. Each District Attorney shall calculate his estimated budget according to the population and case load of his judicial circuit. Each such estimate shall itemize the expenditures required for the District Attorney submitting it for his assistants as follows:

- (a) Salaries of Assistant District Attorneys
- (b) Salaries of Secretarial and Clerical Staff
- (c) Salaries of Investigators
- (d) Salaries for any other personnel or other law enforcement expenses

The form of such reports shall be prescribed by the Office of Prosecution Services and shall be uniform.

The Office of Prosecution Services shall, based upon the various budgets submitted to it by the District Attorneys, pursuant to this Section, compile and submit to the State Legislature a unified budget request for the funding of the Office of District Attorney of the several Judicial Circuits in the manner consistent with other state agencies.

Section 3.

The elected Deputy District Attorney of the 10th Judicial Circuit (The Bessemer Cut-Off) shall be, for the purpose of this Act, considered a District Attorney.

Section 4.

The provisions of this Act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 5.

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1977.

Time: 4:35 P.M.

Act No. 633

S. 222—Stewart, Pearson, Edwards, Shelby,
Adams, Bank, Teague, McMillan,
Fine, Powell, Wilson

AN ACT

To authorize the Alabama Court of Criminal Appeals to hire three staff attorneys and one stenographer and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Court of Criminal Appeals is hereby authorized to hire three staff attorneys to assist that Court in legal research and analysis, including the preparation of staff memoranda, and to perform such other duties as directed by the Court. The staff attorneys shall be licensed to practice law in the State of Alabama and shall be appointed by and serve at the pleasure of the Court. The salaries of each staff attorney shall be fixed within the range of the classification of Attorney II under the Merit System, to be paid as other state salaries are paid. The said staff attorneys shall be subject to the Merit System Act only as to the pay plan.

Section 2. The Court of Criminal Appeals is hereby authorized to hire, in addition to all other clerical employees, a stenographer to perform the stenographic and secretarial services for the staff attorneys appointed pursuant to this act. The said stenographer shall be appointed by and serve at the pleasure of the Court and shall be paid a salary within the range of the classification Clerk-Stenographer II under the Merit System pay plan to be paid as other state salaries are paid. The clerk-stenographer shall be subject to the Merit System only as to the pay plan.

Section 3. Expenses. There is hereby appropriated from the state general fund to the Alabama Court of Criminal Appeals a supplemental appropriation for the fiscal year ending September 30, 1977, in the amount of \$53,000 for salaries; \$5,000 for equipment purchases; and \$9,000 for other expenses, including rent and utilities.

There is also hereby appropriated from the state general fund to the Alabama Court of Criminal Appeals a supplemental appropriation for the fiscal year commencing October 1, 1977, and ending September 30, 1978, the amount of \$68,000 for salaries and other expenses, including rent and utilities.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1977.

Time: 12:25 P.M.

Act No. 634

S. 464—Fine

AN ACT

To provide that persons who served two or more years with the National Youth Administration during World War II shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who served two or more years with the National Youth Administration, hereinafter referred to as N.Y.A., during the time period from December 7, 1941 to December 31, 1946, and who is otherwise eligible for participation within the state retirement system, shall be entitled to have the time actually served with the N.Y.A. credited as state service for retirement purposes upon the contribution of certain amounts, as hereinafter provided, into the state retirement system fund.

Section 2. Any person described in Section 1 hereof entitled to have said N.Y.A. service credited as state service within the state retirement system shall contribute an amount equal to that amount which the person would have been required to contribute into the state retirement system fund for the actual time served in the N.Y.A. during the time period from December 7, 1941 to December 31, 1946, plus interest accrued at a rate of 4 percent (4%) annually.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1977.

Time: 6:20 P.M.

Act No. 635

H.J.R. 621—Holmes (A)

HOUSE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY'S HARVEY GLANCE FOR OUTSTANDING ACHIEVEMENT IN TRACK AND FIELD.

WHEREAS, The Legislature of Alabama has noted with pleasure and pride that Auburn University's Harvey Glance, once again, has acquitted himself with honor with a spectacular performance in the 45th Southeastern Conference Track and Field Meet; and

WHEREAS, Auburn finished the meet scoring 148 points, with Harvey Glance winning the long jump and contributing in four victories; he also was in three new conference records, winning the 100 and 200 meters in record times, 10.36 and 20.47, and participating for another record, 39.24, in the 440 relay; and

WHEREAS, This outstanding young man, a native of Phenix City, Alabama, and Olympic Gold Medalist, was awarded the Commissioner's Trophy for his 32.5 point total, bringing further honor to himself, his university and to his home state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body, once again, recognizes and applauds the outstanding feats accomplished in track and field by champion Harvey Glance; we commend him on his spectacular performance in the 45th SEC Track and Field Meet, in his honor we hereby repeal Act Number Nine Hundred Forty-Nine, adopted October tenth, Nineteen Hundred and Seventy Five, and congratulate him on winning the Commissioner's Trophy, and direct that a copy of this resolution be sent to him that he may know of our pride, our praise and our highest esteem.

Approved May 18, 1977.

Time: 11:50 A.M.

Act No. 636

H. 481—Merrill

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, and for debt service, capital improvements, and for the public schools for the fiscal year beginning October 1, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1977-78 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by source of funds. It is intended that only the named funds to be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(b) "Capital Improvements" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(c) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for the public schools for the fiscal year ending September 30, 1978, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Fund Sources Included In Appropriation Total		Appropriation Total
General Fund	Trust Funds	

1. LEGISLATIVE:

A. THE LEGISLATIVE SYSTEM:

1. LEGISLATURE:

(a) Operations and Support
Program

2,750,000

(b) National Conference of State Legislators	28,500
(For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)	

SOURCE OF FUNDS:

(1) State General Fund	2,778,500
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Total Legislature ...	2,778,500	2,778,500
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2. LEGISLATIVE COUNCIL:

(a) Operations and Support Program:	50,000
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For operations of the Council — (including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

SOURCE OF FUNDS:

(1) State General Fund	50,000
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Total Legislative Council	50,000	50,000
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3. LEGISLATIVE FISCAL OFFICE:

(a) Operations and Support Program:	255,000
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SOURCE OF FUNDS:

(1) State General Fund	255,000
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Total Legislative Fiscal Office	255,000	255,000
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Above appropriation shall be expended as follows:

Personnel Costs Salaries	239,800
Services and Products Purchased and Interfund Transfers	10,700
Equipment Purchases	4,500

Total	255,000
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4. LEGISLATIVE REFERENCE
SERVICE:

(a) Operations and Support Program		414,325
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SOURCE OF FUNDS:

(1) State General Fund	414,325	
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Total Legislative Reference Service	414,325	414,325
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5. DEPARTMENT OF EXAMINERS
OF PUBLIC ACCOUNTS:

(a) Legislative Support — Audit Services Program		2,665,000
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SOURCE OF FUNDS:

(1) State General Fund	2,665,000	
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Total Department of Examiners of Public Accounts	2,665,000	2,665,000
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JUDICIAL:

A. THE JUDICIAL SYSTEM:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		102,000
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(b) Court Support Services Program		223,278
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SOURCE OF FUNDS:

(1) State General Fund	325,278	
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Total Court of Civil Appeals	325,278	325,278
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2. COURT OF CRIMINAL
APPEALS:

(a) Court Operations Program		436,276
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SOURCE OF FUNDS:

(1) State General Fund	436,276	
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Total Court of Criminal Appeals	436,276	436,276
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3. DISTRICT ATTORNEYS:

(a) Court Operations Program		2,501,000
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys	936,000
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	23,000
Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600
Salaries and expenses of Supernumerary District Attorneys	367,000
Salaries of Assistant District Attorneys of the 1st Judicial Circuit	18,000
Salaries of Assistant District Attorneys of the 2nd Judicial Circuit	18,000
Salaries of Assistant District Attorneys of the 3rd Judicial Circuit	9,350
Salaries of Assistant District Attorneys of the 4th Judicial Circuit	42,000
Salaries of Assistant District Attorneys of the 5th Judicial Circuit	36,000
Salaries of Assistant District Attorneys of the 6th Judicial Circuit	16,800
Salaries of Assistant District Attorneys of the 7th Judicial Circuit	24,000

Salaries of Assistant District Attorneys of the 8th Judicial Circuit	22,000
Salaries of Assistant District Attorneys of the 9th Judicial Circuit	26,000
Salaries of Assistant District Attorneys of the 10th Judicial Circuit	144,000
Salaries of Assistant District Attorneys of the 11th Judicial Circuit	20,000
Salaries of Assistant District Attorneys of the 12th Judicial Circuit	20,000
Salaries of Assistant District Attorneys of the 13th Judicial Circuit	90,000
Salaries of Assistant District Attorneys of the 14th Judicial Circuit	20,000
Salaries of Assistant District Attorneys of the 15th Judicial Circuit	126,250
Salaries of Assistant District Attorneys of the 16th Judicial Circuit	38,000
Salaries of Assistant District Attorneys of the 17th Judicial Circuit	18,000
Salaries of Assistant District Attorneys of the 18th Judicial Circuit	21,000
Salaries of Assistant District Attorneys of the 19th Judicial Circuit	18,000

Salaries of Assistant
District Attorneys of
the 20th Judicial Cir-
cuit 23,000

Salaries of Assistant
District Attorneys of
the 21st Judicial Cir-
cuit 15,000

Salaries of Assistant
District Attorneys of
the 22nd Judicial Cir-
cuit 12,000

Salaries of Assistant
District Attorneys of
the 23rd Judicial Cir-
cuit 63,000

Salaries of Assistant
District Attorneys of
the 24th Judicial Cir-
cuit 21,000

Salaries of Assistant
District Attorneys of
the 25th Judicial Cir-
cuit 9,000

Salaries of Assistant
District Attorneys of
the 26th Judicial Cir-
cuit 24,000

Salaries of Assistant
District Attorneys of
the 27th Judicial Cir-
cuit 18,000

Salaries of Assistant
District Attorneys of
the 28th Judicial Cir-
cuit 11,000

Salaries of Assistant
District Attorneys of
the 29th Judicial Cir-
cuit 18,000

Salaries of Assistant
District Attorneys of
the 30th Judicial Cir-
cuit 15,000

Salaries of Assistant
District Attorneys of

the 31st Judicial Circuit	15,000
Salaries of Assistant District Attorneys of the 32nd Judicial Circuit	15,000
Salaries of Assistant District Attorneys of the 33rd Judicial Circuit	8,000
Salaries of Assistant District Attorneys of the 34th Judicial Circuit	8,000
Salaries of Assistant District Attorneys of the 35th Judicial Circuit	8,000
Salaries of Assistant District Attorneys of the 36th Judicial Circuit	8,000
Salaries of Assistant District Attorneys of the 37th Judicial Circuit	14,000
Salaries of Assistant District Attorneys of the 38th Judicial Circuit	14,000
Travel Expense of District Attorneys	50,000
Telephone Service, Stationery, Stamps and necessary Office Supplies for office use of District Attorneys, Deputy District Attorneys or Assistants (provided, however, that none of this appropriation shall be expended for books and equipment purchases)	75,000
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	2,501,000

	Fund Sources Included In Appropriation Total		Appropriation Total
	General Fund	Trust Funds	
SOURCE OF FUNDS:			
(1) State General Fund	2,501,000		
Total District Attorneys...	2,501,000		2,501,000
4. JUDICIAL RETIREMENT SYSTEM:			
(a) Retirement Systems Program			2,250,000
SOURCE OF FUNDS:			
(1) State General Fund	2,250,000		
Total Judicial Retirement System	2,250,000		2,250,000
5. SUPREME COURT:			
(a) Court Operations Program			312,004
(b) Court Support Services Program			948,391
SOURCE OF FUNDS:			
(1) State General Fund	1,255,045		
(2) Federal, Local and Miscellaneous Funds		5,350	
Total Supreme Court	1,255,045	5,350	1,260,395
6. UNIFIED JUDICIAL SYSTEM AND DISTRICT ATTORNEYS' OFFICES:			
(a) Unified Judicial System Program			20,000,000
(b) Supplemental Appropriations to the District Attorneys' Offices			791,179
SOURCE OF FUNDS:			
(1) State General Fund			20,791,179
Total Unified Judicial System and District Attorneys' Offices			20,791,179
(2) District Attorneys' Offices			
1st Judicial Circuit	14,400		
2nd Judicial Circuit	7,800		
3rd Judicial Circuit	24,293		

4th Judicial Circuit	82,436
5th Judicial Circuit	48,400
6th Judicial Circuit	0
7th Judicial Circuit	38,150
8th Judicial Circuit	7,180
9th Judicial Circuit	28,900
10th Judicial Circuit	0
11th Judicial Circuit	15,600
12th Judicial Circuit	11,025
13th Judicial Circuit	0
14th Judicial Circuit	23,058
15th Judicial Circuit	0
16th Judicial Circuit	23,000
17th Judicial Circuit	11,000
18th Judicial Circuit	17,303
19th Judicial Circuit	19,080
20th Judicial Circuit	46,865
21st Judicial Circuit	23,600
22nd Judicial Circuit	30,637
23rd Judicial Circuit	0
24th Judicial Circuit	10,000
25th Judicial Circuit	18,000
26th Judicial Circuit	61,640
27th Judicial Circuit	35,800
28th Judicial Circuit	18,000
29th Judicial Circuit	19,900
30th Judicial Circuit	19,000
31st Judicial Circuit	16,400
32nd Judicial Circuit	9,000
33rd Judicial Circuit	21,200
34th Judicial Circuit	13,489
35th Judicial Circuit	25,000
36th Judicial Circuit	13,800
37th Judicial Circuit	16,600
38th Judicial Circuit	20,623

(The maximum amount of expenditures for the above Unified Judicial System and District Attorneys' offices in this paragraph 6 shall not exceed the revenues collected under the provisions of Act No. 1205, 1975 Regular Session, and paid into the State General Fund during the fiscal year ending September 30, 1978, provided that the \$791,179.00 appropriation to District Attorneys' offices shall be expended only after the Unified Judicial System Program receives the \$20,000,000 appropriation contained herein in this paragraph 6.

Fund Sources Included		
In Appropriation Total		
General	Trust	Appropriation
Fund	Funds	
		Total

EXECUTIVE:

A. DEPARTMENTS, AGENCIES,

AND OTHER ESSENTIAL
FUNCTIONS OF THE EXECU-
TIVE BRANCH:

1. ALABAMA ACADEMY OF
HONOR:

- | | |
|--|-------|
| (a) Historical Resources Man-
agement Program | 1,350 |
|--|-------|

SOURCE OF FUNDS:

- | | | |
|--|-------|--|
| (1) State General Fund pur-
suant to provisions of
Act No. 15, Third Special
Session 1965 | 1,350 | |
|--|-------|--|

Total Alabama Academy of Honor	1,350	1,350
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2. BOARD OF ADJUSTMENTS:

- | | |
|------------------------------------|---------|
| (a) Special Services Program | 115,000 |
|------------------------------------|---------|

SOURCE OF FUNDS:

- | | |
|---|--------|
| (1) State General Fund for
the General Fund Con-
tribution to the total ex-
penditure of \$200,000
pursuant to Title 55, Sec-
tion 343 | 15,000 |
|---|--------|

- | | |
|--|---------|
| (2) State General Fund for
expenditures as provided
in Act No. 208, 1966 Spe-
cial Session and Act No.
436, 1967 Regular Ses-
sion, Estimated | 100,000 |
|--|---------|

Total Board of Adjust- ments	115,000	115,000
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3. AERONAUTICS DEPARTMENT:

- | | |
|------------------------------------|---------|
| (a) Direct Assistance Program..... | 426,574 |
|------------------------------------|---------|

- | | |
|--|--------|
| (b) Airport Development and
Regulation of Air Transpor-
tation Program | 58,002 |
|--|--------|

- | | |
|---|--------|
| (c) Administrative Service Pro-
gram | 85,376 |
|---|--------|

SOURCE OF FUNDS:

- | | |
|---|---------|
| (1) Airport Development
Fund as provided by Act
No. 402, 1945 Acts, page
620 | 551,302 |
|---|---------|

(2) Surplus Military Fields Fund		18,650	
Total Aeronautics Department		569,952	569,952
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4. COMMISSION ON AGING:			
(a) Planning and Advocacy for Elderly Program			7,700,360
SOURCE OF FUNDS:			
(1) State General Fund Transfer to Commission on Aging Fund	175,000		
(2) Federal, Local and Misc. Funds		7,525,360	
Total Commission on Aging	175,000	7,525,360	7,700,360
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5. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			371,350
(b) Agricultural Promotional Services for Fairs			90,000
(c) Capital Improvements — Resurfacing Parking Lot at Coliseum			50,000
SOURCE OF FUNDS:			
(1) State General Fund for expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session	90,000		
(2) State General Fund for Capital Improvements — Resurfacing Parking Lot at Coliseum	50,000		
(3) State General Fund Transfer	200,000		
(4) Livestock Coliseum Fund		119,600	
(5) Agriculture Fund Transfer		51,750	
Total Agricultural Center Board	340,000	171,350	511,350
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6. ALABAMA AGRICULTURAL
AND INDUSTRIAL EXHIBIT
COMMISSION:

(a) Agricultural Development Service Program		36,000
SOURCE OF FUNDS:		
(1) State General Fund	36,000	
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Total Alabama Agricultural and Industrial Exhibit Com- mission	36,000	36,000
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7. AGRICULTURE AND INDUS-
TRIES:

(a) Administrative Services Pro- gram		701,651
(b) Agricultural Inspection Ser- vices Program		7,542,331
(c) Laboratory Analysis and Di- sease Control Program		2,439,323
(d) Agricultural Development Services Program		418,336
SOURCE OF FUNDS:		
(1) State General Fund Transfer	3,900,000	
(2) Federal, Local and Misc. Funds		1,776,423
(3) Egg Inspection Fund		9,591
(4) Shipping Point Inspec- tion Fund pursuant to Act No. 26, Legislature of 1956, approved March 23, 1956. All fees and charges collected by the Commissioner of Agri- culture and Industries and deposited into said fund, and such appropri- ation to the Department of Agriculture and In- dustries shall include all fees and charges collect- ed and deposited therein for Shipping Point In- spection, grading and classification services for agricultural products		

including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities				3,248,974
(5) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.)				2,166,653
Total Agriculture and Industries	3,900,000	7,201,641	11,101,641	

8. ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Alcoholic Beverage Management Program	13,834,535
(b) Licensing, Regulation, and Enforcement Program	4,131,572
(c) Administrative Services Program	2,388,431

The above programs shall include transfers to State Personnel Department of \$53,996, to Mental Health Department of \$1,000,000, and to Telephone Revolving Fund of \$11,340.

SOURCE OF FUNDS:

(1) ABC Stores Fund	19,095,788
(2) Beer Excise Tax and Licensing	1,258,750

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, how-

ever, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this ap-

propriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alcoholic Beverage Control Bd.	20,354,538	20,354,538
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9. ARCHIVES AND HISTORY:

(a) Historical Resources Management Program		315,000
SOURCE OF FUNDS:		
(1) State General Fund	315,000	
Total Archives and History ...	315,000	315,000

10. ATTORNEY GENERAL:

(a) Legal Advice and Legal Services Program		2,100,000
SOURCE OF FUNDS:		
(1) State General Fund	1,400,000	
(2) Federal, Local and Misc. Funds		700,000
Total Attorney General	1,400,000	700,000
		2,100,000

11. STATE AUDITOR:

(a) Fiscal Management Program		390,000
SOURCE OF FUNDS:		
(1) State General Fund	390,000	
Total State Auditor	390,000	390,000

12. BANKING DEPARTMENT:

(a) Charter, License, and Regulate Financial Institutions Program		1,302,523
SOURCE OF FUNDS:		
(1) Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session		818,862
(2) Bureau of Credit Unions as provided in Act No.		

2293, 1971 Regular Session		124,530	
(3) Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959		109,131	
(4) State General Fund	250,000		
Total Banking Department..	250,000	1,052,523	1,302,523
<hr/>			
13. ALABAMA STATE BAR ASSOCIATION:			
(a) Professional and Occupational Licensing and Regulation Program			330,397
SOURCE OF FUNDS:			
(1) State Bar Association Fund, pursuant to Title 46, Chapter 3, Code of Alabama 1940		330,397	
Total Alabama State Bar Association		330,397	330,397
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14. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			91,279
SOURCE OF FUNDS:			
(1) State General Fund	31,500		
(2) Federal, Local and Miscellaneous Funds		59,779	
Total Bear Creek Development Authority	31,500	59,779	91,279
<hr/>			
15. BUILDING COMMISSION:			
(a) Special Services Program			484,871
SOURCE OF FUNDS:			
(1) State General Fund	100,000		
(2) Federal, Local and Miscellaneous Funds		384,871	
Total Building Commission..	100,000	384,871	484,871
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16. CERTIFICATION OF WATER
AND WASTE WATER SYSTEMS
PERSONNEL BOARD:

- (a) Professional and Occupa-
tional Licensing and Regu-
lation Program 4,505

SOURCE OF FUNDS:

- (1) Operators Certification
Fund as provided in Act
No. 1594, 1971 Regular
Session 4,505

Total Certification of Water and Waste Water Systems Personnel Board	4,505	4,505
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17. STATE BOARD OF CHIRO-
PRACTIC EXAMINERS:

- (a) Professional and Occupation-
al Licensing and Regulation
Program 16,550

SOURCE OF FUNDS:

- (1) Alabama State Board of
Chiropractic Examiner's
Fund as provided in Act
No. 108, 1959 Regular
Session 16,550

Total Chiropractic Examiners	16,550	16,550
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18. DEPARTMENT OF CIVIL DE-
FENSE:

- (a) Readiness and Recovery Pro-
gram 1,076,642

SOURCE OF FUNDS:

- | | | |
|---|---------|---------|
| (1) State General Fund | 215,000 | |
| (2) Federal, Local and Mis-
cellaneous Funds | | 861,642 |

Total Civil Defense	215,000	861,642	1,076,642
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19. DEPARTMENT OF CONSER-
VATION:

- (a) Wildlife and Gamefish Man-
agement Program 7,277,054

(b) State Land Management Program		397,520
(c) Outdoor Recreation Sites and Services Program		7,086,321
Parks Division	500,000	500,000
(The above \$500,000 Parks Division Appropriation in (c) is conditional upon the condition of the State General Fund and upon approval of the Governor.)		
(d) Administrative Services Program		1,033,812
(e) Capital Improvements—Bibb and Escambia County Lakes		400,000
(f) Capital Improvements — Lightwood Knot Creek State Park		500,000
(g) Capital Improvements — DeSoto State Park		57,500

SOURCE OF FUNDS:

(1) State General Fund Transfer to Game and Fish Fund for Capital Improvements — (Bibb and Escambia County Lakes)	400,000	6,498,454
(2) Game and Fish Fund		397,520
(3) State Lands Fund		

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloguing and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund		778,600
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine		

Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(5) Water Safety Fund	1,346,672		
(6) State General Fund Transfer to Parks Fund for Lightwood Knot Creek State Park	500,000		
(b) State General Fund Transfer to Parks Fund for DeSoto State Park (This appropriation is conditional upon approval of the Governor)	57,500		
(7) Parks Fund		5,739,649	
(8) Administrative Funds		1,033,812	

The funds hereinabove appropriated shall be payable as provided in Title 8, Section 1, Code of Alabama 1940, recompiled 1958 as amended

Total Department of Conservation	957,500	15,794,707	16,752,207
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20. CONSUMER PROTECTION:

(a) Fair Market Practices Program	196,296
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SOURCE OF FUNDS:

(1) State General Fund	175,000	
(2) Federal, Local and Miscellaneous Funds		21,296

Total Consumer Protection...	175,000	21,296	196,296
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21. BOARD OF CORRECTIONS:

(a) Administrative Services and Logistical Support Program	1,927,433
(b) Institutional Services Corrections Program	15,345,886
(c) Correctional Industries Program	2,110,681

SOURCE OF FUNDS:

(1) State General Fund Transfer	8,750,000		
(2) Federal Revenue Sharing		6,750,000	
(3) Federal, Local and Miscellaneous Funds		1,000,000	
(4) Board of Corrections Fund		2,884,000	

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Total Board of Corrections.....	8,750,000	10,634,000	19,384,000
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22. BOARD OF COSMETOLOGY:

(a) Professional and Occupational Licensing and Regulation Program	231,010
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund pursuant to provisions of Act No. 653, 1957 Regular Session	231,010		
Total Board of Cosmetology		231,010	231,010

23. CRIMINAL JUSTICE INFORMATION SYSTEM:

(a) Criminal Justice Information Services Program	2,176,562
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SOURCE OF FUNDS:

(1) State General Fund	502,000		
(2) Federal, Local and Miscellaneous Funds		1,674,562	

Total Criminal Justice Information System	502,000	1,674,562	2,176,562
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24. ALABAMA DAIRY COMMISSION:			
(a) Regulatory Services Program			374,654
SOURCE OF FUNDS:			
(1) Dairy Commission Fund as provided in Title 22, Chapter 7, Code of Alabama 1940		374,654	
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Total Alabama Dairy Commission		374,654	374,654
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25. ALABAMA DEVELOPMENT OFFICE:			
(a) Administrative Services Program			1,635,957
(b) Industrial Development Program			1,008,500
(c) Planning Program			3,505,850
(d) Alabama Energy Management Program			85,000
SOURCE OF FUNDS:			
(1) State General Fund Transfer	2,000,000		
(2) Federal, Local and Miscellaneous Funds		4,235,307	
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Total Alabama Development Office	2,000,000	4,235,307	6,235,307
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26. STATE EMPLOYEES' INSURANCE BOARD:			
(a) Administrative Support Services Program			45,000
SOURCE OF FUNDS:			
(1) State General Fund	45,000		
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Total State Employees' Insurance Board	45,000		45,000
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27. EMPLOYEES' RETIREMENT
SYSTEM OF ALABAMA (GEN-
ERAL FUND'S PART):

(a) Retirement Systems Pro- gram		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund	3,500,000	
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Total Employees' Retirement System of Alabama (Gener- al Fund's Part)	3,500,000	3,500,000
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28. ALABAMA ETHICS COMMIS-
SION:

(a) Regulation of Public Offi- cials and Employees Program		135,000
SOURCE OF FUNDS:		
(1) State General Fund	135,000	
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Total Alabama Ethics Com- mission	135,000	135,000
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29. BOARD OF EXAMINERS OF
LANDSCAPE ARCHITECTS:

(a) Professional and Occupation- al Licensing and Regulation Program		5,126
SOURCE OF FUNDS:		
(1) Board of Landscape Ar- chitects Fund	5,126	
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Total Board of Examiners of Landscape Architects	5,126	5,126
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30. BOARD OF EXAMINERS OF
NURSING HOME ADMINIS-
TRATION:

(a) Professional and Occupation- al Licensing and Regulation Program		8,737
SOURCE OF FUNDS:		
(1) Nursing Home Adminis- tration Fund	8,737	
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Total Board of Examiners of Nursing Home Administra- tion	8,737	8,737
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31. BOARD OF EXAMINERS IN
PSYCHOLOGY:

(a) Professional and Occupa- tional Licensing and Regula- tion Program		4,990
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund	4,990	
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Total Board of Examiners in Psychology	4,990	4,990
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32. FARMERS' MARKET AUTHOR-
ITY:

(a) Agricultural Development Services Program		152,000
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SOURCE OF FUNDS:

(1) State General Fund Transfer	52,000	
(2) Farmers' Market Au- thority Fund — Revenue and Capital Outlay Ac- count		100,000

Total Farmers' Market Au- thority	52,000	100,000	152,000
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33. ALABAMA FILM COMMIS-
SION:

(a) Promotional Development Program		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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Total Alabama Film Com- mission	25,000	25,000
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34. DEPARTMENT OF FINANCE:

(a) Fiscal Management Pro- gram		1,275,200
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(b) Administrative Support Services Program			2,035,591
SOURCE OF FUNDS:			
(1) State General Fund	3,200,000		
(2) Federal, Local and Miscellaneous Funds		110,791	
Total Department of Finance		3,200,000	3,310,791
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35. FINANCE — STATE MOTOR POOL:			
(a) Administrative Support Services Program—Automotive Equipment			100,000
SOURCE OF FUNDS:			
(1) State General Fund for the purchase of automotive equipment	100,000		
Total Finance — State Motor Pool		100,000	100,000
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36. 36. FINANCE — DATA SYSTEMS MANAGEMENT:			
(a) Administrative Support Services Program			200,000
SOURCE OF FUNDS:			
(1) State General Fund Transfer	200,000		
Total Finance — Data Systems Management		200,000	200,000
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37. FINANCE — STATE INSURANCE FUND:			
(a) Administrative Support Services Program			396,890
SOURCE OF FUNDS:			
(1) State Insurance Fund pursuant to Title 28, Section 325, Code of Alabama 1940		396,890	
Total Finance — State Insurance Fund		396,890	396,890
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38. FINANCE—TELEPHONE NETWORK FUND:

(a) Administrative Support Services Program			857,700
SOURCE OF FUNDS:			
(1) State General Fund	150,000		
(2) Transfer from Alcoholic Beverage Control Board		11,340	
(3) Transfer from Agriculture and Industries		20,000	
(4) Transfer from Public Service Commission		16,740	
(5) Transfer from Revenue Department		29,160	
(6) Transfer from Conservation — Game and Fish		7,380	
(7) Transfer from Conservation — Administrative		7,560	
(8) Transfer from State Forestry Commission		19,440	
(9) Transfer from Highway Department		112,808	
(10) Transfer from Mental Health		186,440	
(11) Transfer from Pensions and Security		126,496	
(12) Transfer from Law Enforcement Planning Agency		10,800	
(13) Transfer from Industrial Relations		159,536	
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Total Finance — Telephone Network Fund	150,000	707,700	857,700
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39. FINANCE — PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program			200,000
SOURCE OF FUNDS:			
(1) State General Fund — Developmental Appropriation	200,000		
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Total Finance — Printing and Publications	200,000		200,000
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40. ALABAMA FORESTRY COMMISSION:

(a) Forest Resource Protection Program	4,392,348
(b) Forest Resource Management and Development Program	1,613,814
(c) Forestry Information and Education Program	146,000
(d) Administrative Services Program	579,653

SOURCE OF FUNDS:

(1) State General Fund Transfer	2,100,000	
(2) Federal, Local and Miscellaneous Funds		1,953,932
(3) Forestry Commission Fund		2,677,883

It is provided that in the event receipts into the Forestry Commission Fund from County appropriations exceed the sum of \$500,000 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Commission Fund from Federal Funds exceed the sum of \$1,000,000, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

Total Alabama Forestry Commission	2,100,000	4,631,815	6,731,815
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"For Emergency Firefighting Operations	500,000"	500,000
(Conditional upon the condition of the State General Fund and upon approval of the Governor, with also a state of Emergency being declared by the State Forester.)		

41. ALABAMA HISTORICAL COMMISSION FOR FORT MORGAN:

(a) Historical Resource Management Program		104,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
(2) Federal, Local and Miscellaneous Funds		24,000

Total Alabama Historical Commission for Fort Morgan	80,000	24,000	104,000
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42. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		77,182
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Act No. 214, 1975 Regular Session		77,182
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Total Alabama Board of Funeral Service		77,182	77,182
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43. GAS BOARD, LIQUEFIED PETROLEUM:

(a) Regulatory Services Program		83,239
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SOURCE OF FUNDS:

(1) L.P. Gas Board Fund	83,239	
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Total Liquefied Petroleum Gas Board	83,239	83,239	83,239
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44. GEOLOGICAL SURVEY:

(a) Discovery and Development Program			1,364,505
(b) Administrative Services Program			331,248
SOURCE OF FUNDS:			
(1) State General Fund	790,000		
(2) Federal, Local and Miscellaneous Funds		905,753	
Total Geological Survey	790,000	905,753	1,695,753

45. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program			10,300
SOURCE OF FUNDS:			
(1) State General Fund — to provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount	8,550		
(2) Federal, Local and Miscellaneous Funds		1,750	
Total Gorgas Memorial Board	8,550	1,750	10,300

46. GOVERNOR'S OFFICE:

(a) Executive Direction Program			981,420
SOURCE OF FUNDS:			
(1) State General Fund	981,420		
Total Governor's Office	981,420		981,420

47. HEALING ARTS, STATE LICENSING BOARD FOR THE:

(a) Professional and Occupational Licensing and Regulation Program			79,153
SOURCE OF FUNDS:			
(1) State Licensing Board for the Healing Arts Fund		79,153	

Total State Licensing Board for the Healing Arts	79,153	79,153
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48. HEALTH DEPARTMENT:

(a) Administrative Services Program	2,288,796
(b) Health Support Services Program	6,195,173
(c) Personal Health Improvement Program	17,751,716
(d) Environmental Health Improvement Program	4,244,625
(e) Special Services Program	1,029,588
(f) Health Planning, Development and Regulation Program	2,342,483
(g) Medical Assistance Through Medicaid Program	179,976,000

SOURCE OF FUNDS:

(1) State General Fund — Excluding Medicaid	8,270,000		
(2) State General Fund Transfer — Medicaid	50,562,000		
(3) General and Mental Health Fund as provided in Act No. 654, 1965 Reg- ular Session		1,480,000	
(4) General and Mental Health Fund as provided in Act No. 275, 1967 Reg- ular Session, as amended		2,700,000	
(5) Vital Statistics Fund		560,888	
(6) Hospital Licensing Fund		72,080	
(7) Emergency Medical Ser- vices Fund as provided in Act No. 1590, 1971 Regular Session		22,970	
(8) Federal, Local and Mis- cellaneous Funds		150,160,443	
Total Health Department	58,832,000	154,996,381	213,828,381

CONDITIONAL

HEALTH DEPARTMENT:

Medical Assistance through Medicaid Program	6,000,000
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The above appropriation of \$6,000,000 shall be conditional upon the condition of the State Treasury and upon approval of the Governor, and upon passage of any of House Bills 436, 901, 963, 964, and 965, of the 1977 Regular Session which would adequately fund this appropriation.

49. HEARING AID DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	14,337
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SOURCE OF FUNDS:

(1) Health - Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session	14,337
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Total Alabama Board of Hearing Aid Dealers	14,337	14,337
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50. HIGHWAY DEPARTMENT:

(a) Central Administration Program	6,200,000
(b) Division and District Supervisor Program	11,000,000
(c) Operations and Support Services Program	4,000,000
(d) Maintenance Program	38,130,165
(e) Non-Programmatic Expenditures	110,000
	370,600,123
	370,710,123

Proposed Spending Plan for the above (e) includes the following:

Debt Service 40,180,632

Equipment — Road

Mach. 1,500,000

Equipment — Other 544,399

Federal Aid

Matching 36,740,753

For Construction of Feeder Roads and other portions of, or work in

respect to, Federal Aid projects for which portions or work Federal Matching Funds are not available 3,000,000

Advanced Construction —

 Matching 12,165,000

Advanced Construction —

 Bonds 109,485,000

State Construction 11,200,000

Federal Aid 155,894,339

370,710,123

(f) Captive Counties Program

11,997,703

(g) State Construction (Conditional)

5,000,00

SOURCE OF FUNDS:

(1) Public Road and Bridge Fund

151,550,949

(2) Captive County Funds

11,997,703

(3) Federal Revenue Sharing

13,000,000

(4) Federal Aid

155,894,339

(5) Bond Proceeds

109,485,000

(6) General Fund

110,000

(7) Public Road and Bridge Fund (Conditional)

5,000,000

There is hereby appropriated, for payment of the principle of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$40,180,632 or so much as may be necessary for payment of said principle and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or

any portion thereof between and among subsections, (a) (b) (c) (d) (e) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section e hereof shall be paid in full —
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a) (b) (c) (d) (e) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section e hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department	110,000	441,927,991	442,037,991
Highway Department —			
Conditional		5,000,000	5,000,000

	Fund Sources Included In Appropriation Total		Appropriation Total
	General Fund	Trust Funds	
51. HIGHWAY AND TRAFFIC SAFETY, OFFICE OF:			
(a) Traffic Control and Accident Prevention Element			2,364,092
SOURCE OF FUNDS:			
(1) State General Fund	80,000		
(2) Federal, Local and Mis- cellaneous Funds		2,284,092	
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Total Office of Highway and Traffic Safety	80,000	2,284,092	2,364,092
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52. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resource Manage- ment Program			50,000

SOURCE OF FUNDS:

(1) State General Fund Transfer	50,000	
Total Historic Chattahoochee Commission	50,000	50,000

53. ALABAMA HISTORICAL COMMISSION:

(a) Historical Resource Management Program		572,650
(b) Capital Improvements		500,000

SOURCE OF FUNDS:

(1) State General Fund Transfer	150,650	
(2) State General Fund — Capital Improvements, provided no portion shall be released until proposed use is submitted to the Governor and approved by him	500,000	
(3) Federal, Local and Miscellaneous Funds		407,000
Total Alabama Historical Commission	650,650	407,000
		1,057,650

54. HOBSON MEMORIAL BOARD, RICHMOND PEARSON:

(a) Historical Resource Management Program		11,739
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SOURCE OF FUNDS:

(1) State General Fund — to provide the appropriation authorized by Act No. 536, 1943 Acts, page 510, and an additional amount	8,550	
(2) Richmond Pearson Hobson Operating Fund		3,189
Total Richmond Pearson Hobson Memorial Board	8,550	3,189
		11,739

55. INDUSTRIAL RELATIONS:

(a) Manpower Development and Employment Opportunity Program	52,972,217
(b) Unemployment Compensation Program	191,102,513
(c) Administrative Services Program	1,893,358
(d) Industrial Safety & Accident Prevention Program	851,655

SOURCE OF FUNDS:

(1) State General Fund	557,260		
(2) Federal, Local & Misc. Funds		246,262,483	
Total Industrial Relations	557,260	246,262,483	246,819,743

56. INSURANCE DEPARTMENT:

(a) Regulatory Services Program	1,433,300
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SOURCE OF FUNDS:

(1) State General Fund	650,000		
(2) State Insurance Fund as provided in Title 28, Section 325, Code of Alabama 1940		683,300	
(3) Fire Marshals' Fund as provided in Act No. 1938, 1971 Regular Session, as amended. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund		100,000	

Total Insurance Department	650,000	783,300	1,433,300
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57. LABOR DEPARTMENT:

(a) Regulatory Services Program	220,354
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SOURCE OF FUNDS:

(1) State General Fund	178,275		
(2) Federal, Local & Miscellaneous Funds		42,079	

Total Labor Department		178,275	42,079	220,354
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58. LaGRANGE HISTORICAL COMMISSION:				
(a) Historical Resources Management Program				1,667
SOURCE OF FUNDS:				
(1) State General Fund — as authorized by Act No. 551, 1943 Acts, page 540		1,667		
<hr/>				
Total LaGrange Historical Commission		1,667		1,667
59. LAW ENFORCEMENT FUND:				
(a) Special Police Services Program				22,000
SOURCE OF FUNDS:				
(1) Law Enforcement Fund — pursuant to Title 29, Section 251, Code of Alabama 1940, as amended...			22,000	
<hr/>				
Total Law Enforcement Fund			22,000	22,000
<hr/>				
60. LAW ENFORCEMENT PLANNING AGENCY:				
(a) Law Enforcement Planning and Development Program...				10,980,526
SOURCE OF FUNDS:				
(1) State General Fund — for Matching Federal Funds		545,572		
(2) Federal, Local and Miscellaneous Funds			10,434,954	
<hr/>				
Total Law Enforcement Planning Agency		545,572	10,434,954	10,980,526
<hr/>				
61. STATE LICENSING BOARD FOR GENERAL CONTRACTORS:				
(a) Professional and Occupational Licensing and Regulation Program				160,956

SOURCE OF FUNDS:

(1) State Licensing Board
for General Contractors
Fund

160,956

Pursuant to Title 46, Chapter 4, Code of Alabama 1940. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board
for General Contractors

160,956

160,956

62. MENTAL HEALTH DEPARTMENT:

(a) Institutional Treatment and
Care — Mental Illness Program

44,581,706

(b) Institutional Treatment and
Care — Mental Retardation
Program

33,267,190

(c) Non-Institutional Treatment
and Care Program

18,641,660

(d) Administrative Services Program

3,016,100

SOURCE OF FUNDS:

(a) Special Mental Health
Fund—for operation and
maintenance of the State
Mental Health Department
including the purchase of
drugs to medically indigent
mental patients not
hospitalized at time of
receiving drugs at the
Alabama State Hospitals

59,031,697

(2) Special Mental Health Fund—Community Program	7,603,000	
(3) Transfer from ABC Profits	1,000,000	
(4) Cigarette Taxes	5,600,000	
(5) Federal, Local and Miscellaneous Funds	13,271,959	
(6) Federal Revenue Sharing	13,000,000	
<hr/>		
Total Mental Health Department	99,506,656	99,506,656
<hr/>		

63A MILITARY DEPARTMENT:

(a) Military Operations Program	2,328,500
(b) Capital Improvements	811,744

SOURCE OF FUNDS:

(1) State General Fund — Capital Improvements	764,000
Opelika	151,000
Tuscaloosa	162,000
Tallasse	141,000
Florence	160,000
Brundidge	129,000
Sub-Surface Soil Investigation	21,000
(2) State General Fund Transfer for Architect and Engineering Services and Specifications for the following Armories:	47,744
Brundidge	6,966
Tallasse	8,474
Jasper	6,876
Ashland	6,722
Huntsville	5,912
Birmingham	6,000
Winfield	6,794
(3) State General Fund — Operations	670,000
(4) State General Fund — Quarterly Allowances Headquarters — Regular Allowance Units to be	

used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard	412,270	
(5) State General Fund — Active Military Service...	75,000	
(6) State General Fund — For transfer to Armory Commission	1,171,230	
Total Military Department ...	3,140,244	3,140,244

63B ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program 1,585,710
SOURCE OF FUNDS:

(1) Transfer from Military Department	1,171,230
(2) Federal, Local and Miscellaneous Funds	414,480

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	1,585,710	1,585,710
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64. ALABAMA BOARD OF NURSING:

(a) Professional and Occupational Licensing and Regulation Program	425,678
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended	425,678
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Total Alabama Board of Nursing	425,678	425,678
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65. OCCUPATIONAL INFORMATION SYSTEM:

(a) Employment and Social Opportunities Program	484,648
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SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	484,648
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Total Occupational Information System	484,648	484,648
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66. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program	690,000
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SOURCE OF FUNDS:

(1) State General Fund	690,000
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Total Oil and Gas Board	690,000	690,000
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67. BOARD OF PARDONS AND PAROLES:

(a) Administration of Pardons and Paroles Program	3,195,716
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SOURCE OF FUNDS:

(1) State General Fund	1,950,000
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(2) Federal, Local and Mis-	
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cellaneous Funds	1,245,716		
Total Board of Pardons and Paroles	1,950,000	1,245,716	3,195,716

68. PEACE OFFICERS' ANNUITY AND BENEFIT FUND:

(a) Retirement Systems Program	153,521
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session	153,521
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Total Peace Officers' Annuity Benefit Fund	153,521	153,521
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69. PENSIONS:

- (a) Social Services Program — for Confederate Veterans and their Widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

70. PENSIONS AND SECURITY:

(a) Financial Assistance Program	98,303,398
(b) Social Services Program	70,622,989
(c) Food Assistance Program	12,263,876
(d) Child Support Program	3,245,172

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds	127,056,465
(2) Liquor License Tax	1,259,500
(3) ABC Profits	2,246,580

(4) Whiskey Tax	27,437,516	
(5) Beer Tax	6,374,055	
(6) Pension Residue	6,353,819	
(7) Sales Tax	1,322,000	
(8) Franchise Tax	7,100,000	
(9) Cigarette Tax	4,150,000	
(10) Contractor's Gross Re- ceipts Tax	1,125,000	
(11) Pension Fund	10,500	
Total Pensions and Security	184,435,435	184,435,435

71. PERSONNEL DEPARTMENT:

(a) Administrative Support Ser- vices Program			1,115,210
SOURCE OF FUNDS:			
(1) State General Fund Transfer	115,000		
(2) Federal, Local and Mis- cellaneous Funds		194,000	
(3) Transfer from Agricul- ture and Industries		16,757	
(4) Transfer from Alcoholic Beverage Control Board		53,996	
(5) Transfer from Conser- vation Department		25,136	
(6) Transfer from Board of Corrections		31,653	
(7) Transfer from State Docks		5,586	
(8) Transfer from Education		36,307	
(9) Transfer from Forestry Commission		17,688	
(10) Transfer from Highway Department		182,468	
(11) Transfer from Industrial Relations		52,134	
(12) Transfer from Depart- ment of Mental Health		191,777	
(13) Transfer from Pensions and Security		156,401	
(14) Transfer from Revenue Department		36,307	
Total Personnel Department	115,000	1,000,210	1,115,210

72. PHYSICAL THERAPIST
BOARD:

(a) Professional and Occupational
Licensing and Regulation
Program 13,270

SOURCE OF FUNDS:

(1) Physical Therapist Fund 13,270

Total Physical Therapist Board	13,270	13,270
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73. PREVAILING WAGE COMMIS-
SION:

(a) Regulatory Services Pro-
gram 18,000

SOURCE OF FUNDS:

(1) State General Fund 18,000

Total Prevailing Wage Com- mission	18,000	18,000
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74. PROSECUTION SERVICES:

(a) Prosecution, Training, Edu-
cation and Management Pro-
gram 117,389

SOURCE OF FUNDS:

(1) Federal, Local and Mis-
cellaneous Funds 117,389

Total Prosecution Services.....	117,389	117,389
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75. BUREAU OF PUBLICITY AND
INFORMATION:

(a) Tourism and Travel Promo-
tion Program 1,382,578

SOURCE OF FUNDS:

(1) State General Fund 413,000

(2) Lodging Tax (1c) — re-
ceipts collected under
the provisions of Act No.
269, 1963 Regular Ses-
sion (of which \$107,000
shall be spent for a mu-
seum at Tannehill State
Park). 969,578

Total Bureau of Publicity and Information		413,000	969,578	1,382,578
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76. ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:				
(a) Professional and Occupation- al Licensing and Regulatory Program				118,000
SOURCE OF FUNDS:				
(1) State Board of Public Accountancy Fund			118,000	
In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any ap- plication for license which may have been rejected by the Board or withdrawn by request of applicant.				
Total Alabama State Board of Public Accountancy			118,000	118,000
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77. DEPARTMENT OF PUBLIC SAFETY:				
(a) Traffic Control and Accident Prevention Program				9,517,733
(b) Criminal Investigation Pro- gram				1,356,928
(c) Public Safety Support Ser- vice Program				5,230,000
(d) Special Police Services Pro- gram				339,000
(e) Administrative Services Pro- gram				2,181,339
SOURCE OF FUNDS:				
(1) State General Fund		17,850,000		
(2) State General Fund for Matching Federal Funds and Reimbursable Fed- eral and Local Projects		150,000		

(3) Federal, Local and Miscellaneous Funds		625,000	
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Total Department of Public Safety	18,000,000	625,000	18,625,000
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78. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program		1,368,838	
(b) Administrative Services Program		645,048	

SOURCE OF FUNDS:

(1) Public Service Commission Fund	2,013,886		
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000 shall be transferred to the State General Fund.

Total Public Service Commission		2,013,886	2,013,886
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79. ALABAMA REAL ESTATE COMMISSION:

(a) Professional and Occupational Licensing and Regulation Program		393,767	
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund — as provided in Title 46,			
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Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated

393,767

Total Real Estate Commission

393,767

393,767

80. BOARD FOR REGISTRATION OF ARCHITECTS:

(a) Professional and Occupational Licensing and Regulation Program

38,158

SOURCE OF FUNDS:

(1) Board of Architects Trust Fund — as provided in Title 46, Chapter 2, Code of Alabama 1940, as amended

38,158

Total Board of Registration of Architects

38,158

38,158

81. BOARD OF REGISTRATION FOR FORESTERS:

(a) Professional and Occupational Licensing and Regulation Program

9,725

SOURCE OF FUNDS:

(1) Professional Foresters' Fund

9,725

Total Board of Registration for Foresters

9,725

9,725

82. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

(a) Professional and Occupational Licensing and Regulation Program

251,863

SOURCE OF FUNDS:

(1) Professional Engineers' Fund — as provided in Title 46, Chapter 7, Code of Alabama, as amended, and Act No. 1049, 1975 Regular Session	251,863	
Total State Board of Registration for Professional Engineers and Land Surveyors	251,863	251,863

83. BOARD OF REGISTRATION FOR SANITARIANS:

(a) Professional and Occupational Licensing and Regulation Program		3,471
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SOURCE OF FUNDS:

(1) Registration Board of Sanitarians Funds — as provided in Act No. 209, 1964 Second Special Session	3,471	
Total Board of Registration for Sanitarians	3,471	3,471

84. REVENUE DEPARTMENT:

(a) State Revenue Administration Program		16,001,781
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SOURCE OF FUNDS:

(1) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	170,855	
(2) Transfer from the gross proceeds of the Forest Severance Tax Collections	173,801	
(3) Transfer from the gross proceeds of Gasoline Tax Collections	1,140,018	
(4) Transfer from the Income Tax Collections	3,785,332	
(5) Transfer from the gross proceeds of Motor Fuel Tax Collections	658,383	

(6) Transfer from the gross proceeds of Motor Vehicle License Collections	665,749
(7) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	203,259
(8) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	502,256
(9) Transfer from the gross proceeds of Sales Tax Collections	5,267,061
(10) Transfer from the gross proceeds of the Tobacco Tax Collections	1,085,521
(11) Transfer from the gross proceeds of Use Tax Collections	518,458
(12) Transfer from the gross proceeds of Cigarette Tax Collections, Act No. 275, 1967 Regular Session	219,461
(13) Transfer from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	338,765
(14) Federal, Local and Miscellaneous Funds	1,272,862

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collection of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is

hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department ...		16,001,781	16,001,781
<hr/>			
85. REVENUE — AUTO TITLE AND ANTITHEFT:			
(a) State Revenue Administration Program			900,000
SOURCE OF FUNDS:			
(1) State General Fund Transfer		900,000	
<hr/>			
Total Revenue — Auto Title and Antitheft		900,000	900,000
<hr/>			
86. REVENUE — BOARDS OF EQUALIZATION:			
(a) State Revenue Administration Program			160,000
SOURCE OF FUNDS:			
(1) State General Fund		160,000	
<hr/>			
Total Revenue — Boards of Equalization		160,000	160,000
<hr/>			
87. REVENUE — MOTOR VEHICLE LICENSE:			
(a) State Revenue Administration Program			1,878,500
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		1,878,500	
<hr/>			
Total Revenue — Motor Vehicle License		1,878,500	1,878,500
<hr/>			

88. SECRETARY OF STATE:

(a) Administrative Support Services Program		270,000
SOURCE OF FUNDS:		
(1) State General Fund	270,000	
Total Secretary of State	270,000	270,000

89. SECURITIES COMMISSION:

(a) Regulatory Services Program		400,206
SOURCE OF FUNDS:		
(1) State General Fund	201,000	
(2) Federal, Local and Misc. Funds		166,806
(3) Sale of Checks License Fund		12,000
(4) Exemption Fund		2,000
(5) State General Fund for Matching Funds for LEAA	18,400	
Total Securities Commission	219,400	180,806 400,206

90. SOCIAL SECURITY AGENCY:

(a) Administrative Support Services		175,000
SOURCE OF FUNDS:		
(1) State General Fund	175,000	
Total Social Security Agency	175,000	175,000

91. SOIL AND WATER CONSERVATION COMMITTEE:

(a) Water Resource Development Program		251,500
SOURCE OF FUNDS:		
(1) State General Fund	251,500	
Total Soil and Water Conservation Committee	251,500	251,500

92. SPORTS HALL OF FAME:

(a) Historical Resources Man-

agement Program			40,601
SOURCE OF FUNDS:			
(1) State General Fund	22,500		
(2) Sports Hall of Fame Operating Fund		18,101	
Total Sports Hall of Fame	22,500	18,101	40,601

93. SURFACE MINING RECLAMATION COMMISSION:

(a) Industrial Safety and Accident Prevention Program			318,090
SOURCE OF FUNDS:			
(1) Surface Mining Reclamation Commission Fund		318,090	
Total Surface Mining Reclamation Commission		318,090	318,090

94. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program			428,577
SOURCE OF FUNDS:			
(1) State General Fund	22,500		
(2) Federal, Local and Miscellaneous Funds		306,077	
(3) State Parks Fund		100,000	
Total Tannehill Furnace and Foundry Commission	22,500	406,077	428,577

95. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program			351,550
SOURCE OF FUNDS:			
(1) State General Fund — as provided in Act No. 355, 1957 Regular Session, approved August 23, 1957	120,000		
(2) Federal, Local and Mis-			

cellaneous Funds	231,550		
Total Tennessee-Tombigbee Waterway Development Au- thority	120,000	231,550	351,550
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96. TOXICOLOGY AND CRIMINAL INVESTIGATION:			
(a) Forensic Science Service Program			1,025,000
(b) Capital Improvements — to complete laboratory facility in Birmingham			200,000
SOURCE OF FUNDS:			
(1) State General Fund	825,000		
(2) State General Fund for Capital Improvements — to complete laboratory facility in Birmingham...	200,000		
(3) Federal, Local and Mis- cellaneous Funds		200,000	
Total Toxicology and Crim- inal Investigation	1,025,000	200,000	1,225,000
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97. STATE TREASURER:			
(a) Fiscal Management Program			452,000
SOURCE OF FUNDS:			
(1) State General Fund	452,000		
Total State Treasurer	452,000		452,000
<hr/>			
98. COMMISSION ON UNIFORM STATE LAWS:			
(a) Special Services Program			4,000
SOURCE OF FUNDS:			
(1) State General Fund — total amount appropri- ated by Act No. 926, Acts 1951, page 1575	4,000		
Total Commission on Uni- form State Laws	4,000		4,000
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99. STATE BOARD OF VETERINARY MEDICAL EXAMINERS:		
(a) Professional and Occupational Licensing and Regulation Program		14,215
SOURCE OF FUNDS:		
(1) Veterinary Medical Examiners Fund — as provided in Act No. 945, approved September 13, 1951	14,215	
Total State Board of Veterinary Medical Examiners	14,215	14,215
100. DEPARTMENT OF VETERANS AFFAIRS:		
(a) Administration of Veterans Affairs Program		1,450,000
SOURCE OF FUNDS:		
(1) State General Fund	1,450,000	
Total Department of Veterans Affairs	1,450,000	1,450,000
101. WATER WELL STANDARDS BOARD:		
(a) Professional and Occupational Licensing and Regulation Program		55,725
SOURCE OF FUNDS:		
(1) Water Well Standards Board Fund — as provided in Act No. 1516, 1971 Regular Session ...	55,725	
Total Water Well Standards Board	55,725	55,725
102. ALABAMA WOMEN'S COMMISSION:		
(a) Employment and Social Opportunities Program		11,309
SOURCE OF FUNDS:		
(1) State General Fund	9,000	

(2) Federal, Local & Miscellaneous Funds		2,309	
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Total Alabama Women's Commission	9,000	2,309	11,309
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IV. SPECIAL APPROPRIATIONS:

A. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program			14,000
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SOURCE OF FUNDS:

(1) State General Fund	14,000		
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Total Advertising Lands for Tax Sale	14,000		14,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program			8,000
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SOURCE OF FUNDS:

(1) State General Fund	8,000		
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Total Arrest of Absconding Felons	8,000		8,000
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3. PAYMENT OF ATTORNEYS' FEES IN INDIGENT CAPITAL CASES:

(a) Court Operations Program			25,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Act No. 176, 1947 Acts, page 61	25,000		
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Total Payment of Attorneys' Fees in Indigent Capital Cases	25,000		25,000
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4. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Service Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in 1943 Acts of Legislature, page 217	3,000	
Total Automatic Appeal Expense	3,000	3,000

5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200

6. ALABAMA CONGRESSIONAL MEDAL OF HONOR GROVE:

(a) Historical Resources Management Program		8,000
SOURCE OF FUNDS:		
(1) State General Fund	8,000	
Total Alabama Congressional Medal of Honor Grove	8,000	8,000

7. COUNCIL OF STATE GOVERNMENTS:

(a) Legislative Operations and Support Program		30,790
SOURCE OF FUNDS:		
(1) State General Fund	30,790	
Total Council of State Governments	30,790	30,790

8. COURT COSTS — ACT NO.
558, 1957:

(a) Court Operations Program..... 240,000

SOURCE OF FUNDS:

(1) State General Fund pursuant to Act No. 558,
1957, page 777 240,000

Total Court Costs — Act No.
558, 1957 240,000 240,000

9. COURT COSTS NOT OTHERWISE PROVIDED FOR:

(a) Legal Advice and Legal Service Program 250,000

SOURCE OF FUNDS:

(1) State General Fund 250,000

Total Court Costs Not Otherwise Provided For 250,000 250,000

10. ELECTION EXPENSES:

(a) Special Services Program 900,000

SOURCE OF FUNDS:

(1) State General Fund 900,000

Total Election Expenses 900,000 900,000

11. DEPARTMENTAL EMERGENCY FUND:

(a) Special Services Program 350,000

SOURCE OF FUNDS:

(1) State General Fund (This is the appropriation contemplated in Section 105, Title 55, Code of Alabama 1940, and shall be the only amount appropriated and the total amount expended under the provisions of said section.) 350,000

Total Departmental Emergency Fund			350,000	350,000
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12. FOR ECONOMIC AND COMMUNITY DEVELOPMENT:				1,000,000
SOURCE OF FUNDS:				
(1) Federal Revenue Sharing			1,000,000	
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Total For Economic and Community Development			1,000,000	1,000,000
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13. STATE EMPLOYEES INSURANCE:				
(a) Administrative Support Service Program				800,000
SOURCE OF FUNDS:				
(1) State General Fund			800,000	
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Total State Employees Insurance			800,000	800,000
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14. FAIR TRIAL TAX TRANSFER:				
(a) Court Operations Program				100,000
SOURCE OF FUNDS:				
(1) State General Fund			100,000	
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Total Fair Trial Tax Transfer			100,000	100,000
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15. MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR:				
(a) Court Operations Program				100,000
SOURCE OF FUNDS:				
(1) State General Fund			100,000	
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Total Matching Federal Funds Not Otherwise Provided For			100,000	100,000
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16. FEEDING OF PRISONERS:				
(a) Institutional Services — Corrections Program				1,400,000

SOURCE OF FUNDS:

- (1) State General Fund for
expenses of feeding pris-
oners in county jails 1,400,000

Total Feeding of Prisoners.....	1,400,000	1,400,000
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17. FOR GENERAL GOVERNMENT 250,000
SOURCE OF FUNDS:

- (1) Federal Revenue Sharing 250,000

Total For General Govern- ment	250,000	250,000
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18. GOVERNORS' WIDOWS RE-
TIREMENT:

- (a) Executive Direction Program 14,400

SOURCE OF FUNDS:

- (1) State General Fund 14,400

Total Governors' Widows Re- tirement	14,400	14,400
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19. INTERPRETER'S ACCOUNT:

- (a) Court Support Services Pro-
gram 100

SOURCE OF FUNDS:

- (1) State General Fund to
carry out provisions of
Act No. 799, 1965 Regu-
lar Session 100

Total Interpreter's Account...	100	100
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20. LAW ENFORCEMENT LEGAL
DEFENSE:

- (a) Legal Advice and Legal
Service Program 2,000

SOURCE OF FUNDS:

- (1) State General Fund to
carry out provisions of
Act No. 259, 1957 Regu-
lar Session 2,000

Total Law Enforcement Legal Defense		2,000	2,000
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21. MAILING TAX NOTICE:			
(a) State Revenue Administration Program			7,500
SOURCE OF FUNDS:			
(1) State General Fund		7,500	
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Total Mailing Tax Notice		7,500	7,500
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22. NATIONAL GOVERNORS' CONFERENCE:			
(a) Executive Direction Program			30,075
SOURCE OF FUNDS:			
(1) State General Fund		30,075	
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Total National Governors' Conference		30,075	30,075
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23. SPECIAL MENTAL HEALTH FUND			23,750,000
SOURCE OF FUNDS:			
(1) State General Fund Transfer		23,750,000	
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Total Special Mental Health Fund		23,750,000	23,750,000
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24. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:			
(a) State Revenue Administration Program			10,000
SOURCE OF FUNDS:			
(1) State General Fund		10,000	
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Total Printing of State and County Privilege Licenses		10,000	10,000
<hr/>			
25. PUBLIC DEFENDERS:			
(a) Court Operations Program			24,000
SOURCE OF FUNDS:			
(1) State General Fund —			

for salaries of Public Defenders for the 21st Judicial Circuit, as pro- vided by Act No. 1158, 1969 Regular Session			24,000	
Total Public Defenders			24,000	24,000
<hr/>				
26. PUBLIC DOCUMENTS DISTRI- BUTION:				
(a) Administrative Support Ser- vice Program				30,000
SOURCE OF FUNDS:				
(1) State General Fund			30,000	
Total Public Documents Dis- tribution			30,000	30,000
<hr/>				
27. REGISTRATION OF VOTERS:				
(a) Special Services Program				300,000
SOURCE OF FUNDS:				
(1) State General Fund			300,000	
Total Registration of Voters			300,000	300,000
<hr/>				
28. REMOVAL OF PRISONERS:				
(a) Special Police Services Pro- gram				75,000
SOURCE OF FUNDS:				
(1) State General Fund			75,000	
Total Removal of Prisoners			75,000	75,000
<hr/>				
29. STATE'S SHARE OF SOCIAL SECURITY:				
(a) Administrative Support Ser- vice Program				1,750,000
SOURCE OF FUNDS:				
(1) State General Fund			1,750,000	
Total State's Share of Social Security			1,750,000	1,750,000
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30. FOR SPECIAL PROBATE
JUDGES:

(a) Institutional Treatment and Care — Mental Illness Pro- gram	20,000
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SOURCE OF FUNDS:

(1) State General Fund	20,000
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Total For Special Probate Judges	20,000	20,000
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31. STATE TREASURER — PREVI-
OUS YEARS' UNPAID WAR-
RANTS:

(a) Special Services Program	50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000
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Total State Treasurer — Previous Years' Unpaid War- rants	50,000	50,000
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32. ALABAMA WOMEN'S HALL
OF FAME:

(a) Historical Resources Man- agement Program	6,000
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SOURCE OF FUNDS:

(1) State General Fund Transfer	6,000
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Total Alabama Women's Hall of Fame	6,000	6,000
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V. FINANCIAL ASSISTANCE TO
NON-STATE AGENCIES:

A. NON-STATE AGENCIES FUND-
ED FROM THE GENERAL
FUND:

1. ALONZO STAGG BOWL:

(a) Tourism and Travel Promo- tion Program	4,500
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SOURCE OF FUNDS:

(1) State General Fund	4,500
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Total Alonzo Stagg Bowl	4,500		4,500
<hr/>			
2. ANNISTON SHAKESPEARE FESTIVAL:			
(a) Tourism and Travel Promo- tion Program			7,500
SOURCE OF FUNDS:			
(1) State General Fund	7,500		
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Total Anniston Shakespeare Festival	7,500		7,500
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3. APPALACHIAN REGIONAL DEVELOPMENT PROGRAM:			
(a) Planning Program			152,286
SOURCE OF FUNDS:			
(1) State General Fund	135,000		
(2) Transfer from Alabama Development Office		17,286	
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Total Appalachian Regional Development Program	135,000	17,286	152,286
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4. ARMED FORCES DAY COM- MITTEE:			
(a) Historical Resources Man- agement Program			1,350
SOURCE OF FUNDS:			
(1) State General Fund	1,350		
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Total Armed Forces Day Committee	1,350		1,350
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5. AVE MARIA GROTTTO:			
(a) Tourism and Travel Promo- tion Program			2,250
SOURCE OF FUNDS:			
(1) State General Fund	2,250		
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Total Ave Maria Grotto	2,250		2,250
<hr/>			
6. AZALEA TRAIL FESTIVAL:			
(a) Tourism and Travel Promo- tion Program			2,500

SOURCE OF FUNDS:

(1) State General Fund	2,500	
Total Azalea Trail Festival ...	2,500	2,500

7. BIG NANCE CREEK WATER
MANAGEMENT DISTRICT:

(a) Water Resource Develop- ment Program		2,250
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SOURCE OF FUNDS:

(1) State General Fund	2,250	
Total Big Nance Creek Wa- ter Management District	2,250	2,250

8. BLUE AND GRAY FOOTBALL
GAME:

(a) Tourism and Travel Promo- tion Program		9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000	
Total Blue and Gray Foot- ball Game	9,000	9,000

9. CHILTON COUNTY PEACH
FESTIVAL:

(a) Tourism and Travel Promo- tion Program		7,500
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SOURCE OF FUNDS:

(1) State General Fund	7,500	
Total Chilton County Peach Festival	7,500	7,500

10. CHOCCOLOCCO CREEK WA-
TERSHERD ASSOCIATION:

(a) Water Resource Develop- ment Program		3,600
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SOURCE OF FUNDS:

(1) State General Fund	3,600	
Total Choccolocco Creek Wa- tersherd Association	3,600	3,600

11. CIVIL AIR PATROL:

(a) Readiness and Recovery Program		35,000
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SOURCE OF FUNDS:

(1) State General Fund	35,000	
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Total Civil Air Patrol	35,000	35,000
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12. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:

(a) Water Resource Development Program		11,250
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SOURCE OF FUNDS:

(1) State General Fund	11,250	
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Total Coosa-Alabama River Improvement Association	11,250	11,250
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13. CROOKED CREEK WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program		2,250
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SOURCE OF FUNDS:

(1) State General Fund	2,250	
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Total Crooked Creek Watershed Conservancy District	2,250	2,250
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14. DEEP-SEA FISHING RODEO:

(a) Tourism and Travel Promotion Program		1,500
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SOURCE OF FUNDS:

(1) State General Fund	1,500	
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Total Deep-Sea Fishing Rodeo	1,500	1,500
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15. ELK RIVER DEVELOPMENT ASSOCIATION:

(a) Water Resource Development Program		7,500
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SOURCE OF FUNDS:

(1) State General Fund	7,500	
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Total Elk River Development Association	7,500	7,500
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16. FOREIGN TRADE COMMISSION:		
(a) Special Services Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
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Total Foreign Trade Commission	40,000	40,000
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17. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		13,500
SOURCE OF FUNDS:		
(1) State General Fund	13,500	
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Total Gulf Shores Tourist Association	13,500	13,500
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18. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program		8,550
SOURCE OF FUNDS:		
(1) State General Fund	8,550	
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Total Gunterville Boat Races	8,550	8,550
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19. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
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Total Helen Keller Property Board	4,500	4,500
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20. INTERSTATE MINING COMMISSION:		
(a) Planning Program		6,000

SOURCE OF FUNDS:

(1) State General Fund	6,000	
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Total Interstate Mining Commission	6,000	6,000
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21. KETCHEPEDRAKEE WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Development Program		2,250
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SOURCE OF FUNDS:

(1) State General Fund	2,250	
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Total Ketchepedrakee Watershed Conservancy District	2,250	2,250
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22. LAKE EUFAULA FESTIVAL:

(a) Tourism and Travel Promotion Program		9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000	
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Total Lake Eufaula Festival	9,000	9,000
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23. MOBILE CARNIVAL ASSOCIATION:

(a) Tourism and Travel Promotion Program		4,500
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SOURCE OF FUNDS:

(1) State General Fund	4,500	
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Total Mobile Carnival Association	4,500	4,500
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24. MOBILE JUNIOR MISS PAGEANT:

(a) Tourism and Travel Promotion Program		22,500
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SOURCE OF FUNDS:

(1) State General Fund	22,500	
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Total Mobile Junior Miss Pageant	22,500	22,500
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25. MOUNTAIN LAKE ASSOCIATION:

(a) Tourism and Travel Promotion Program		18,000
SOURCE OF FUNDS:		
(1) State General Fund	18,000	
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Total Mountain Lake Association	18,000	18,000
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26. NATIONAL TRUST FOR HISTORICAL PRESERVATION ANNUAL CONFERENCE:

(a) Historical Resources Management Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	
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Total National Trust for Historical Preservation Annual Conference	10,000	10,000
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27. NATIONAL PEANUT FESTIVAL ASSOCIATION:

(a) Tourism and Travel Promotion Program		9,000
SOURCE OF FUNDS:		
(1) State General Fund	9,000	
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Total National Peanut Festival Association	9,000	9,000
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28. PEA RIVER HISTORICAL AND GENEALOGY SOCIETY:

(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
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Total Pea River Historical and Genealogy Society	5,000	5,000
<hr/>		

29. PEA RIVER WATERSHED CONSERVANCY DISTRICT:

(a) Water Resource Develop-

ment Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
Total Pea River Watershed Conservancy District	2,250	2,250
30. PIMENTO FESTIVAL:		
(a) Tourism and Travel Promo- tion Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Pimento Festival	1,000	1,000
31. SOUTHERN CHAMPIONSHIP HORSESHOW:		
(a) Tourism and Travel Promo- tion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Southern Champion- Horseshow	5,000	5,000
32. SOUTHEAST CHOCTAWHAT- CHEE WATERSHED ASSOCIA- TION:		
(a) Water Resource Develop- ment Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
Total Southeast Choctawhat- chee Watershed Association	2,250	2,250
33. SOUTHERN GROWTH POLI- CIES BOARD:		
(a) Special Services Program		21,000
SOURCE OF FUNDS:		
(1) State General Fund	21,000	
Total Southern Growth Poli- cies Board	21,000	21,000

34. SOUTHERN INTERSTATE NUCLEAR BOARD:

(a) Discovery and Development of Mineral, Energy, and Water Resources, Geologic Research and Topographic Mapping Program	11,057
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SOURCE OF FUNDS:

(1) State General Fund	11,057
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Total Southern Interstate Nuclear Board	11,057	11,057
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35. SPIRIT OF AMERICA FESTIVAL, INC.:

(a) Tourism and Travel Promotion Program	4,500
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SOURCE OF FUNDS:

(1) State General Fund	4,500
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Total Spirit of America Festival, Inc.	4,500	4,500
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36. ALABAMA STEER SHOW ASSOCIATION:

(a) Agricultural Development Services Program	9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000
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Total Alabama Steer Show Association	9,000	9,000
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37. TALLACOOSA HIGHLAND LAKES ASSOCIATION:

(a) Tourism and Travel Promotion Program	9,000
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SOURCE OF FUNDS:

(1) State General Fund	9,000
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Total Tallacoosa Highland Lakes Association	9,000	9,000
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38. TALLASSEEHATCHIE WATER-
SHED CONSERVANCY:

(a) Water Resource Develop- ment Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
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Total Tallassee hatchie Wa- tershed Conservancy	2,250	2,250
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39. TENNESSEE RIVER VALLEY
ASSOCIATION:

(a) Water Resource Develop- ment Program		9,000
SOURCE OF FUNDS:		
(1) State General Fund	9,000	
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Total Tennessee River Val- ley Association	9,000	9,000
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40. TERRAPIN CREEK WATER-
SHED CONSERVANCY DIS-
TRICT:

(a) Water Resource Develop- ment Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
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Total Terrapin Creek Water- shed Conservancy District	2,250	2,250
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41. ALABAMA TRAVEL COUNCIL:

(a) Tourism and Travel Promo- tion Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
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Total Alabama Travel Coun- cil	15,000	15,000
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42. TRI-RIVERS DEVELOPMENT
ASSOCIATION:

(a) Water Resource Develop- ment Program		27,000
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SOURCE OF FUNDS:

(1) State General Fund	27,000	
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Total Tri-Rivers Develop- ment Association	27,000	27,000
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43. VETERANS DAY COMMITTEE:

(a) Historical Resources Man- agement Program		1,350
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SOURCE OF FUNDS:

(1) State General Fund	1,350	
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Total Veterans Day Commit- tee	1,350	1,350
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44. NATIONAL VETERANS DAY
COMMITTEE:

(a) Historical Resources Man- agement Program		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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Total National Veterans Day Committee	3,000	3,000
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45. Y.M.C.A. YOUTH LEGISLA-
TURE:

(a) Special Services Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
<hr/>		
Total Y.M.C.A. Youth Legis- lature	5,000	5,000
<hr/>		

46. BIRMINGHAM FESTIVAL OF
ARTS:

SOURCE OF FUNDS:

(1) State General Fund	25,000	25,000
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Total Birmingham Festival of Arts	25,000	25,000
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47. TENNESSEE VALLEY PUBLIC-
ITY AND IMPROVEMENT AS-
SOCIATION:

(a) Tourism and Travel Promo-
tion Program 40,000

SOURCE OF FUNDS:

(1) State General Fund 40,000

Total Tennessee Valley Pub-
licity and Information Asso-
ciation 40,000 40,000

I. DEBT SERVICE:

A. DEBT SERVICE FUNDED FROM
THE GENERAL FUND:

1. General Obligation Capital Im-
provement Bonds, Series A,
Estimated 1,161,993

SOURCE OF FUNDS:

(1) State General Fund, Esti-
mated 1,161,993

Total General Obligation Capi-
tal Improvement Bonds, Series
A, Estimated 1,161,993 1,161,993

2. State Docks, Inland Waterways
Bonds 2,186,464

SOURCE OF FUNDS:

(1) State General Fund 2,186,464

Total State Docks, Inland Wa-
terways Bonds 2,186,464 2,186,464

3. General Obligation Docks, Sea-
port Facilities Bonds, Series A
and B, Estimated 2,846,400

SOURCE OF FUNDS:

(1) State General Fund, Esti-
mated 2,846,400

Total General Obligation Docks,
Seaport Facilities Bonds, Series
A and B, Estimated 2,846,400 2,846,400

4. Alabama State Hospitals and Partlow State School Bond Commission Bonds		274,320
SOURCE OF FUNDS:		
(1) State General Fund pursuant to Constitutional Amendment No. CXVIII ..	274,320	
Total Alabama State Hospitals and Partlow State School Bond Commission Bonds	274,320	274,320
5. State Parks Development Authority Bonds, Estimated		350,000
SOURCE OF FUNDS:		
(1) State General Fund, Estimated — pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session	350,000	
Total State Parks Development Authority Bonds, Estimated	350,000	350,000
6. Tennessee - Tombigbee Waterway Bonds, Estimated		718,393
SOURCE OF FUNDS:		
(1) State General Fund, Estimated — pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	718,393	
Total Tennessee - Tombigbee Waterway Bonds, Estimated	718,393	718,393

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section

4 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations designated as "estimated" and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940 and the Budget Management Act of 1976 (Act No. 494).

Section 4. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 5. The following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1977 through September 30, 1978, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972 are included in the individual budget units as appropriated in Section 2. The following amounts are for informational purposes only:

A. To Department of Mental Health to be used for operations and maintenance	14,000,000
B. To Highway Department for operations, maintenance and construction	13,000,000
C. To Board of Corrections for operations and maintenance of the penal system	6,750,000
D. For Economic and Community Development...	1,000,000
E. For General Government	250,000
Total	35,000,000

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing after the effective date of this Act are hereby appropriated for General Government. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 6. No funds appropriated herein may be expended

for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1977 for such items, unless approved or reapproved on or after October 1, 1977 by the Director of Finance.

Section 7. No funds appropriated by this Act shall be used to employ attorneys by any department, board, bureau, commission or agency of State Government who are not subject to the State Merit System Law unless such appointment shall be approved by the Governor.

Section 8. All State departments, commissions, bureaus, and agency directors or chief administrative officers except the Governor and the Director of Finance shall file with the Governor written quarterly reports which outline fund allocations and expenditures of their respective departments, commissions, bureaus, and agencies. These reports shall be made by the 15th day of the month following the completion of each quarter in the fiscal year. The Governor shall then transmit copies of such reports to the Chairmen of the Finance and Taxation Committee and the Ways and Means Committee. Any other agency of government or other group or entity not a part of State Government that receives state appropriations under this section shall file the reports required of State agencies under this section. The reports required by this section shall be in addition to any reports, written or otherwise, now required of any department in State Government.

Section 9. No funds appropriated under this Act shall be used to pay the following law enforcement benefits heretofore established by Acts of the Legislature:

- (1) Subsistence payments (Act No. 763, Regular Session, 1973),
- (2) Longevity pay (Act No. 206, Third Special Session, 1975),
- (3) Overtime pay (Act No. 127, Fourth Special Session, 1975),

to any state employees, other than to state employees regularly assigned to law enforcement duties. In no event, shall funds appropriated hereunder be used to pay any of the above mentioned benefits to Cabinet Members, Department or Agency heads, Assistant Department or Agency heads. Nothing contained in this section shall prohibit the payment of subsistence, longevity, or overtime pay to state employees who are classified under the State Merit System Law as state law enforcement officers in any state department or agency.

Section 10. Of the appropriation herein contained there is appropriated an amount to provide hospital-medical insurance assistance, excluding dental and life assistance.

Section 11. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriation or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 12. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 13. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 14. That this Act shall become effective October 1, 1977.

Approved May 20, 1977.

Time: 4:00 P.M.

Act No. 637

H. 482—Merrill

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1978.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1978 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, the following definitions shall be applicable: (a) "Capital Improvements" shall include all expenditures for the purchase of land, buildings,

and renovations; (b) "Equipment Purchases" shall mean those items of office equipment, and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (c) "Automotive Equipment Purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (b) and (c) hereof; (d) "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1978, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Federal & Other Funds" and "Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

	Federal & ASETF Other Funds	Approp. Total
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Section 3.

A. STATE AGENCIES

1. Council on the Arts and Humanities

(a) Fine Arts Program

820,000

Source of Funds:			
(1) ASETF	300,000		
(2) Federal and Local Funds		520,000	
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Total Council on the Arts and Humanities	300,000	520,000	820,000
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2. Birmingham City Board of Edu- cation			325,000
Source of Funds:			
(1) ASETF	325,000		
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Total Birmingham City Board of Education	325,000		325,000
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(For reimbursement for construction of Louis Schlossfield School.)			
3. Debt Service			
(a) For the payment of princi- pal and interest due issued by Auburn University (Ala- bama Polytechnic Institute) pursuant to Constitutional Amendment No CXX.....			
			309,880
(b) For the payment of princi- pal and interest due on bonds issued by the University of Alabama pursuant to Con- stitutional Amendment No. CXIX			
			309,880
(c) For the payment of princi- pal and interest due on bonds issued by the University of Alabama Research-Institute pursuant to Constitutional Amendment No. CLVII			
			206,850
(d) Interest on Endowments:			
For interest on			
University of Mon-			
tevallo (Alabama			
College) Endow-			
ment, Estimated			
	42,733		
For interest on Au-			
burn University			
Endowment			
	20,280		

For interest on University of Ala- bama Endowment	61,000	
For interest on Grove Hill Endow- ment	600	
For interest on Public School Fund Endowment: Interest on 16th Section lands, Esti- mated	310,000	
Interest on School Indemnity Lands, Estimated	90,000	
Interest on Value- less 16th Section lands	5,825	
Interest on Surplus plus Revenue	26,764	
Interest on James Wallace Fund	275	
Total	557,477	

Source of Funds:

(1) ASETF	1,384,087	
Total Debt Service	1,384,087	1,384,087

4. Board of Dental Scholarship Awards

(a) Support of Other Education- al Activities Program		83,000
Source of Funds: (1) ASETF	83,000	
Total Board of Dental Scholarship Awards	83,000	83,000
(To be expended under the provisions of Act No. 793, (1965 Regular Session.)		

5. Department of Education

(a) Financial Assistance Pro- gram		173,247,059
The proposed spending plan for the above is as follows:		
Minimum Program Fund — Trainable Retarded Children	24,200	
Vocational Ed.	36,665,609	

(\$300,000 is to be used for for Agribusiness Center.)
 \$947,500 is to be used for capital improvements for matching private enterprise funds to complete six area vocational schools on a 50-50 match basis, the Linden City Board of Education in Marengo County shall be reimbursed in the amount of \$143,317.25.

Educational Program Management Budget System70,000

Source of Funds:

(1) ASETF	36,759,809		
(2) Federal and Local Funds		136,487,250	
		<hr/>	
Total Financial Assistance Program	36,759,809	136,487,250	173,247,059

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, providing facilities and enrollment meet minimum state standards.

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution shall be allocated by

priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment. Of the amount appropriated above for the fiscal year ending September 30, 1978, for distribution to local boards of education in addition to salary now received and all salary increments due, all vocational teachers shall receive salary increases as follows: Teacher holding Rank "AA" certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III teachers not less than one thousand fifteen dollars (\$1,015) per annum, Rank IV teachers not less than nine hundred dollars (\$900) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increase.

(b) Instructional Technical

Assistance Program

6,484,008

The proposed spending plan
for the above is as follows:

Civil Defense	22,000
Drug Education	181,500
Operation & Main- tenance of Depart- ment	425,071
Right-to-Read	75,000
Career Education	100,000
Kindergarten Adm.	50,000
Minimum Program — Trainable Retard- ed Children	452,443
National Defense	363,000
Vocational Educa- tion	1,143,145
Alabama Learning Resources Center	60,000

Source of Funds:

(1) ASETF	2,872,159		
(2) Federal and Local Funds		3,611,849	
<hr/>			
Total Instructional Tech- nical Assistance Pro- gram	2,872,159	3,611,849	6,484,008

(The appropriation for Min-
imum Program — Trainable
Retarded Children is the
same appropriation as set
out in Act No. 67, approved
June 27, 1963, and shall be
expended in accordance with
that Act.)

(c) Local Agency Support Pro-
gram 9,382,277

The proposed spending plan
for the above is as follows:

Coordination of In-School Television	115,637
Driver Education, School Bus Driver Training and Vehicle Safety Inspect.	337,535
Operation & Maintenance of Department	254,752
Testing	206,000
Developing, Printing & Pub- lishing Legal & Policy Man- uals	20,000

Free Textbooks	7,602,500		
Plans & Surveys	81,950		
Source of Funds:			
(1) ASETF	8,618,374		
(2) Federal and Local Funds		763,903	
Total Local Agency Support Program	8,618,374	763,903	9,382,277
(d) Regulation Program			721,540
The proposed spending plan for the above is as follows:			
Operation & Maintenance of Department	223,752		
For payment of expenses of Alabama members attending Compact for Education meetings (subject to prior approval of the Superintendent of Education)	5,000		
Teacher Certification & Accred.	220,000		
Source of Funds:			
(1) ASETF	448,752		
(2) Federal and Local Funds		272,788	
Total Regulation Program	448,752	272,788	721,540
(e) Administrative Services Program			5,684,194
The proposed spending plan for the above is as follows:			
Compact for Education	15,750		
Operation & Maintenance of Department	1,049,630		
Telephone Revolving Fund	500,000		
Source of Funds:			
(1) ASETF	1,565,380		
(2) Federal and Local Funds		4,118,814	
Total Administrative Services Program	1,565,380	4,118,814	5,684,194
(f) Adult Basic Education Program			3,500,873

The proposed spending plan
for the above is as follows:

Adult Basic

Education1,700,000

Community Education 25,000

Operation & Maintenance
of Department 4,255

Source of Funds:

(1) ASETF 1,729,255

(2) Federal and Local Funds 1,771,618

Total Adult Basic Education

Program 1,729,255 1,771,618 3,500,873

(g) Continuing Education Pro-
gram

1,119,703

The proposed spending plan
for the above is as follows:

Operation & Maintenance of
Department 4,618

Administration of Private
School Act 45,000

Source of Funds:

(1) ASETF 49,618

(2) Federal and Local Funds 1,070,085

Total Continuing Educ.

Prog. 49,618 1,070,085 1,119,703

(h) Administration of Post-Sec-
ondary Voc.-Technical Educ.
Program

5,457

The proposed spending plan
for the above is as follows:

Operation & Maintenance of
Department 5,457

Source of Funds:

(1) ASETF 5,457

Total Adm. of Post-Sec-
ondary Voc. Tec. Ed.

Program 5,457 5,457

(i) Administration of Junior Col-
lege School System Program

4,093

The proposed spending plan
for the above is as follows:

Operation & Maintenance of
Department 4,093

Source of Funds:

(1) ASETF	4,093	
Total Adm. of Jr. Coll. School System Program	4,093	4,093

(j) Rehabilitation Services Program		30,622,595
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Source of Funds:

(1) ASETF	6,270,000	
(2) Federal and Local Funds	24,352,595	
Total Rehabilitation Services Program	6,270,000	24,352,595
		30,622,595

Of the amount appropriated in section (j) above, \$30,000 shall be expended to conduct an independent study of services to the blind in Alabama.

(k) Hemophilia Program	300,000
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Source of Funds:

(1) ASETF	300,000	
Total Hemophilia Program	300,000	300,000
(As provided for under Act 1181, 1975 Regular Session.)		

(l) Homebound Program	2,900,000
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Source of Funds:

(1) ASETF	2,900,000	
Total Homebound Program	2,900,000	2,900,000

(The above appropriation is to be expended in accordance with Act No. 109, Third Special, 1975, approved May 1, 1975.)

(m) Disability Determination for Social Security Program	6,212,332
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Source of Funds:

(1) Federal and Local Funds	6,212,332	
Total Disability Determination for Social Security Program	6,212,332	6,212,332

(i) Crippled Children Services Program	4,909,577
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Source of Funds:			
(1) ASETF	3,617,900		
(2) Federal and Local Funds		1,291,677	
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Total Crippled Children Services Program	3,617,900	1,291,677	4,909,577
<hr/>			
(o) Administration Program			163,833
Source of Funds:			
(1) Federal and Local Funds		163,833	
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Total Administration Program		163,833	163,833
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(p) Manpower Development and Employment			4,933,691
The proposed spending plan for the above is as follows:			
Operation & Maintenance of Department	14,143		
Comprehensive Employment & Training	440,000		
Source of Funds:			
(1) ASETF	454,143		
(2) Federal and Local Funds		4,479,548	
<hr/>			
Total Manpower Devel- opment and Employment Opportunities Prog.	454,143	4,479,548	4,933,691
<hr/>			
(q) Planning and Coordination Services Prog.			160,000
The proposed spending plan for the above is as follows:			
Southern Regional Educ. Board	160,000		
Source of Funds:			
(1) ASETF	160,000		
<hr/>			
Total Planning & Coordi- nation Services Pro- gram	160,000		160,000
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(r) Support of State Universi- ties Program			7,623
The proposed spending plan for the above is as follows:			
Educ. of Dependents of Blind Parents	7,623		

Source of Funds:

(1) ASETF	7,623		
Total Support of State Universities Program	7,623		7,623

(For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.)

TOTAL DEPARTMENT OF EDUCATION SOURCE OF FUNDS:

(1) ASETF	65,762,563		
(2) Federal and Local Funds		184,596,292	
Grand Total Department of Education	65,762,563	184,596,292	250,358,855

6. Alabama School of Fine Arts

(a) Fine Arts Program			640,200
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Source of Funds:

(1) ASETF	500,000		
(2) Federal & Local Funds		140,200	
Total Alabama School of Fine Arts	500,000	140,200	640,200

7. Alabama Firefighters' Personnel Standards and Educ. Commission

(a) Professional and Occupational Licensing & Regulation Program.

Source of Funds:

(1) ASETF	45,000		
Total Alabama Firefighters' Personnel Standards and Education Commission	45,000		45,000

8. Health Department

(a) Health Support Svcs. Prog.			500,000
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For immunization of pre-school children and students and for public school food sanitation

Source of Funds:

(1) ASETF	500,000		
Total Health Department	500,000		500,000

9. Commission on Higher Education

(a) Planning & Coordination Services Program			353,195
(b) Support of Other Educational Activities Program			1,172,393
Activities Program			1,172,393

Source of Funds:

(1) ASETF	297,000		
(2) ASETF—1202 Commission	280,000		
(3) Federal & Local Funds		948,588	
Total Comm. on Higher Ed.	577,000	948,588	1,525,588

(No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.)

(To be expended in accordance with Act No. 14, 1969 Special Session.)

10. Alabama Industrial Development Training Inst.

(a) Industrial Training Program			1,714,320
Source of Funds:			
(1) ASETF	1,714,320		
Total Alabama Industrial Development Tng. Inst.	1,714,320		1,714,320

11. Junior College School System

(a) Junior College Equalization Account			4,000,000
(1) ASETF	4,000,000		
Total Junior College Equalization Account	4,000,000		4,000,000

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account to be used for operation and maintenance of the Junior Colleges listed below is to be distributed on the following formula:

\$200,000.00 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1976-77 by all the Junior Colleges listed in this appropriation. (Continuing education unit hours shall be excluded.)

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.

(b) Academic Instruction and Institutional Support Program		57,873,586
(1) ASETF	29,050,000	
(2) Federal & Local Funds	6,081,276	
(3) State Funds	22,742,310	
Total Academic Instruction and Institutional Support Program		
	29,050,000	28,823,586
		57,873,586

For operation and maintenance of the Junior Colleges listed below to be distributed on a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Junior College; (15) Snead

State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.)

Of the above appropriations contained herein in Section 3, paragraph A-11 not more than the sum of \$246,147 may be used by the State Board of Education for administration of the state junior college program.

Of the amount herein appropriated above for the fiscal year ending September 30, 1978, the following salary increases, in addition to salary now received and all salary increments due, shall be granted by ranks to all full-time professional staff: Rank I not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank III not less than one thousand four hundred seventy-five dollars (\$1,475) per annum; Rank IV not less than one thousand five hundred ninety dollars (\$1,590) per annum for the regular academic year. Persons employed for ten, eleven, or twelve months shall receive an additional pro rata salary increases.

12. Alabama Law Institute

(a) Support of Other Educational Activities Program		189,000
Source of Funds:		
(1) ASETF	189,000	
Total Alabama Law Institute	189,000	189,000

13. Public Library Service

(a) Public Library Services Program			3,032,066
Source of Funds:			
(1) ASETF	1,656,000		
(2) ASETF for equipment purchases for physically handicapped and blind.....	144,000		
(3) ASETF for operation of facility	200,000		
(4) Federal and Local Funds		1,032,066	
Total Public Library Ser.	2,000,000	1,032,066	3,032,066

(Item 3 under Source of Funds shall be used only after the facility has been com-

pleted and only \$50,000 per quarter may be used.)

14. Marine Environmental Sciences Consortium

(a) Support of other Educational Activities Program 710,000

Source of Funds:

(1) ASETF 325,000

(2) Federal and Local Funds 233,000

(3) University of Alabama 147,000

Total Marine Environmental Sciences Consortium 325,000 385,000 710,000

15. Medical Scholarships Board

(a) Support of other Educational Activities Program 135,000

Source of Funds:

(1) ASETF 135,000

Total Medical Scholarship Board 135,000 135,000

(To be expended under the provisions of Act No. 278, 1965 1st Special Session)

16. Minimum Program

(a) Financial Assistance Program 480,360,967

Source of Funds:

(1) ASETF 458,484,482

(2) Public School Fund 17,200,000

(3) Local Effort 4,676,485

Total Minimum Program Fund 458,484,482 21,876,485 480,360,967

(aa) To be distributed by the State Board of Education for:

Local Boards 429,724,253

Board of Adjustment Awards 150,000

Teachers Sick Leave 3,287,188

Teachers Personal Leave 1,157,496

Hospital-Medical Insurance Assistance 8,939,806

Instructional Supplies & Materials	9,925,739
Maintenance	4,500,000
Sick Leave for Support Personnel	800,000

The Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such funds, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(bb) The total teacher units provided for exceptional children, twenty-five (25) may be used in early education programs for exceptional children and twenty-five (25) may be used in regional multi-systems, and/or state-wide programs for exceptional children. In addition to the regular units allocated in the Minimum Program, the same number of teacher units as provided for the school year 1976-77, six hundred fifty (650) are provided for the reduction of the class size in grades 1-6. The Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the Legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-6 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1976-77 school year.

In addition to the three thousand two hundred fifty (3250) special education units now provided through the minimum program, there is hereby provided the sum of fifteen million dollars (\$15,000,000) to be used in the area of special education. The funds to provide for

this program are included under the programmatic appropriations of Section 3, 16, (aa) Minimum Program and the wording in this section (bb) is for explanation purposes only and is not intended to be construed to be a second funding. These funds shall be allocated by the State Board of Education on a formula developed by the State Superintendent of Education and his staff. Each local board of education shall submit a proposal to the State Superintendent of Education for the use of funds allocated to its system which must be approved by the State Superintendent of Education before such funds are disbursed. The proposals may include, but not limited to, any or all of the following (1) Additional teachers, (2) Teacher Aides, (3) Materials, supplies and instructional equipment, (4) Modifications and renovations of buildings (including eliminations of architectural barriers).

Job descriptions and qualifications of teacher aides shall be determined by the State Superintendent of Education. Also, none of the teacher unit positions may be filled by teachers not certified as qualified Special Education teachers.

The State Superintendent, through his staff, shall monitor programs to assure that the purposes for which these funds are provided are carried out on the approved plan.

The five hundred (500) teacher units provided in Act No. 197, Regular Session, 1976, Section, 3, H, are herewith transferred to the Minimum Program and shall be allocated according to a formula provided by the State Department of Education. The same benefits provided for other minimum program units shall be provided for the derived education units.

Two hundred (200) kindergarten units are herewith provided the phasing in of the kindergarten program during the specified fiscal year shall be dispersed with the kindergarten teacher units being at least equal to the amount received by the respective local school boards during the preceeding fiscal year. In addition thereto, all local school boards shall receive all kindergarten teacher units now supplied by federal funds if these programs continue to be federally funded.

(cc) Two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 is hereinabove appropriated to the State Board of Education for all teachers employed (except ESEA Title I, Title III, and Title IV teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall cooperatively develop and recommend to the superintendent the amount to be al-

located to each teacher for the operation of the instructional program within the school. The local school board shall approve or disapprove requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Any funds provided herein not expended during the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(dd) It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce the amount of money expended from local funds for teachers during the school year 1976-77 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education and the Education Study Commission such information as may be necessary to determine that the provisions of this section have been implemented. These agencies shall jointly report to the State Board of Education the implementation of the above provisions by December 31, 1977, and to the Legislature by the first legislative day of the next regular session.

(ee) The appropriation hereinabove made to the Minimum Program provides for two (2) days personal leave at \$17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1978.

(ff) Of the appropriation hereinabove made to the Minimum Program, there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative, or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance. No portion of the funds herein appropriated for employee hospital-medical insurance may be used to pay premiums for any group insur-

ance policy that is available only to members of any private organization.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(gg) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$1,695.57 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$72.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of not more than \$17.00 per day. The salary allotment shall be made in accordance with the schedule set out hereinabove.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$26,066,490.

The appropriation hereinabove set out for the fiscal year 1977-78 is based on 31,057 teacher units.

It is provided in the event there are more than 31,057 earned teacher units for the fiscal year 1977-78, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on an earned teacher unit basis.

(hh) It is provided that from the appropriation hereinabove made the State Board of Education shall provide beginning with the fiscal year ending September 30, 1978, that in addition to all salary now

received and all local increments due, all teachers under the Minimum Program shall receive salary increases as follows: Teachers holding Rank "AA" certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV teachers not less than nine hundred dollars (\$900) per annum. These increases are for teachers with one hundred eighty-day contracts. Additional pro rata salary increases shall be granted for teachers whose contracts extend beyond one hundred eighty days. All teachers employed from funds other than the Minimum Program shall receive equal compensation based upon the rank of certificate. Any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program.

(ii) In addition to local salary now received and all local increments due for the 1977-78 school year, all full-time employees of city and county boards of education and all full-time employees in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List shall receive a salary increase of not less than five hundred dollars (\$500) per annum. All adult school bus drivers shall receive a salary increase of not less than five hundred dollars (\$500) per annum and all student school bus drivers shall receive a salary increase of not less than three hundred dollars (\$300) per annum and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

(jj) The \$800,000 appropriated in (aa) is to provide sick leave for all bus drivers and full-time, non-certificated personnel employed by city and county boards of education and the schools under their jurisdiction and for the Alabama Institute for Deaf and Blind. The boards of control of city and county school systems and the Alabama Institute for Deaf and Blind shall provide for the payment for all bus drivers and full-time personnel who are non-certificated educational employees for absences resulting from sickness, accidents or some other unavoidable cause which prevents such employee from discharging his/her duties, and provided, that any employee not utilizing or being paid for the sick leave in any one year may acculate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system or institution or for any other school system or institution in which the employee may later be employed until he/she shall accumulate a maximum of ninety days. The reasons for granting sick leave shall be the same as those for teachers. No reimbursement shall be paid to any local school board or to the Board of the Alabama Institute for Deaf and Blind unless a substitute has been hired and paid in the absence of any employee who is entitled to sick leave as provided herein.

(kk) Of the amount appropriated in Section 3, A, 16, (aa) to the State Board of Education for distribution of local boards the sum of three million eight hundred seventy-three thousand five hundred dollars (\$3,873,500), is allocated for disbursement to local boards of education to provide and increase of five hundred dollars (\$500) to each lunchroom worker in the public schools of the state. This salary increase shall be paid to all lunchroom personnel in addition to the local salary now received and any local salary increments due for the 1977-78 school year.

17. Alabama Peace Officers Standards and Training Commission

(a) Professional and Occupational Licensing and Regulation Program

80,000

Source of Funds:

(1) ASETF 80,000

Total Ala. Peace Officers Standards & Training Comm.

80,000

80,000

(b) Certified Law Enforcement Academy Programs:

Source of Funds:

(1) ASETF 246,200

Jacksonville State Univ. 66,756

University of Alabama 62,544

James H. Faulkner Jr. Col. 60,200

Troy State Univ. (Mtg.) 56,700

Total Certified Law Enforcement Academy Prog.

246,200

246,200

Total Alabama Peace Officers Standards and Training Comm.

326,200

326,200

18. Commission on Physical Fitness

(a) Advisory Services Program

70,000

(1) ASETF 70,000

Total Commission on Physical Fitness

70,000

70,000

19. Post-Secondary Vocational-Technical Education System

(a) Instruction and Institutional Support Program

40,358,456

Source of Funds:

(1) ASETF 25,951,521

(2) Federal and Local Funds	14,406,935		
Total Post - Secondary			
Vocational - Technical			
Educ. System	25,951,521	14,406,935	40,358,456

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College - Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnally State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa

State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).

Of the above appropriations contained herein in Section 3, paragraph 19 not more than the sum of \$235,200.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

Of the amount appropriated above for the fiscal year ending September 30, 1978, the following salary increases shall be granted by ranks in addition to salary now received and all salary increments due to all full-time professional staff: Class B not less than one thousand five hundred seven dollars (\$1,507) per annum; and Class A not less than one thousand six hundred sixty dollars (\$1,660) per annum for twelve months employment. The salary schedule for 1977-78 for vocational-technical colleges shall be adjusted by the State Board of Education to make it equal to the salary schedule of junior colleges for 1977-78 for appropriate ranks of certificates. Personnel at vocational-technical colleges shall receive equity adjustments in their salary based on the new salary schedule in addition to the salary increases provided hereinabove.

20. Social Security

(a) For State's share of Social Security

41,600,000

Source of Funds:

(1) ASETF	41,600,000	
Total Social Security	41,600,000	41,600,000

21. Alabama Education Study Commission

(a) Advisory Services Program		200,000
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Source of Funds:

(1) ASETF	200,000	
Total Ala. Educ. Study Comm.	200,000	200,000

(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

22. Teachers' Retirement System of Alabama

(a) Retirement Systems Program		1,077,959,278
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Source of Funds:

(1) ASETF-Teachers' Retirement System	122,239,600	
(2) ASETF-Teachers' Special Pension Fund	3,131,000	
(3) State and Local Funds.....	952,588,678	
Total Retirement Systems Program	125,370,600	952,588,678 1,077,959,278

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary, and the Budget Officer, and certified by them to the Governor.

23. State Tenure Commission

(a) Regulation Program 7,500

Source of Funds:

(1) ASETF	7,500		
Total State Tenure Comm.	7,500		7,500

24. Educational TV Commission

(a) Educational TV Services Program 2,904,655

Source of Funds:

(1) ASETF	2,005,500		
(2) Federal and Local Funds		899,155	
Total Education TV Comm.	2,005,500	899,155	2,904,655

25. Veterans Education Benefits

(a) Administration of Veterans Affairs Program 975,000

Source of Funds:

(1) ASETF	975,000		
Total Veterans Educa- tional Benefits	975,000		975,000

For reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

26. Youth Services

(a) Youth Services Program 7,872,294

Source of Funds:

(1) ASETF	6,896,171		
(2) Federal and Local Funds		976,123	
Total Youth Services	6,896,171	976,123	7,872,294

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

Section 4.

B. NON-STATE AGENCIES

1. American Legion Auxiliary Scholarship Fund		3,000
Source of Funds:		
(1) ASETF	3,000	
Total American Legion Auxil- iary Scholarship Fund	3,000	3,000
2. Birmingham Symphony		
(a) Fine Arts Program		95,000
Source of Funds:		
(1) ASETF	95,000	
Total Birmingham Sym- phony	95,000	95,000
3. Birmingham Training Center for Brain Injured Children		
(a) Non-Institutional Treatment and Care Program		29,100
Source of Funds:		
(1) ASETF	29,100	
Total Birmingham Training Center for Brain Injured Children	29,100	29,100
4. Montgomery Institute for Neu- rological Development		
(a) Non-Institutional Treatment and Care Program		25,000
Source of Funds:		
(1) ASETF	25,000	
Total Montgomery In- stitute for Neurological Development	25,000	25,000
5. Sylacauga Nurses Training School		
(a) Support of Other Education- al Activities Program		58,000
Source of Funds:		
(1) ASETF	58,000	

Total Sylacauga Nurses Training School	58,000	58,000
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(The above includes \$18,000 for
Nursing Scholarships.)

(To be expended in accordance
with Act No. 2393, 1971 Regular
Session.)

Section 5.

COLLEGES, UNIVERSITIES AND SCHOOLS

I. Board of Trustees of University of Alabama

A. The University

1. Operations & Maintenance, Extension, Public Service & Research:

(a) Instruction	19,463,163
(b) Research	158,777
(c) Public Service	2,860,993
(d) Libraries	1,280,474
(e) Academic Support (excl. Libr.)	3,998,872
(f) Student Services	2,474,052
(g) Institutional Support ..	5,969,147
(h) Operation & Maintenance of Physical Plant	5,145,404
(i) Scholarships and Fellowships	591,194
(j) Capital Improvements	1,009,534
(k) Debt Service	292,240

Source of Funds:

(1) ASETF	29,296,193	
(2) Other Sources		13,947,657

Total Operations & Maintenance, Extension, Public Service & Research

29,296,193	13,947,657	43,243,850
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2. Gadsden Cooperative Upper Division Program:

(a) Instruction	245,503
(b) Capital Improvements ..	15,000

Source of Funds:			
(1) ASETF	175,626		
(2) Other Sources		84,877	
<hr/>			
Total Gadsden Cooperative Upper Division Program	175,626	84,877	260,503
<hr/>			
3. Vocational Teacher Training Education:			
(a) Instruction			125,000
Source of Funds:			
(1) ASETF	125,000		
<hr/>			
Total Vocational Teacher Training Education	125,000		125,000
<hr/>			
4. Center for Emotionally Disturbed Children:			
(a) Academic Support (excl. Libr.)			390,947
Source of Funds:			
(1) ASETF	390,947		
<hr/>			
Total Center for Emotion- ally Disturbed Children	390,947		390,947
<hr/>			
5. Capstone College of Nursing:			
(a) Instruction			200,000
Source of Funds:			
(1) ASETF	200,000		
<hr/>			
Total Capstone College of Nursing	200,000		200,000
<hr/>			
6. Nursing Scholarships:			
(a) Scholarships and Fel- lowships			18,000
Source of Funds:			
(1) ASETF	18,000		
<hr/>			
Total Nursing Scholarships	18,000		18,000
<hr/>			
7. Training of Clinical Psychologists for Mental Health and Correctional Services:			

(a) Instruction			64,107
(b) Academic Support (excl. Libr.)			112,607
(c) Capital Improvements...			7,650
Source of Funds:			
(1) ASETF	100,000		
(2) Other Sources		84,364	
Total Training of Clinical Psychologists for Mental Health and Correctional Services	100,000	84,364	184,364
<hr/>			
8. Family Practice Center:			
(a) Academic Support (excl. Libr.)			604,513
(b) Capital Improvements...			7,871
Source of Funds:			
(1) ASETF	612,384		
Total Family Practice Cen- ter	612,384		612,384
<hr/>			
9. Alabama Museum of Natu- ral History — Mound State Park and Archaeological Office:			
(a) Public Service			163,045
(b) Capital Improvements...			6,000
Source of Funds:			
(1) ASETF	132,545		
(2) Other Sources		36,500	
Total Alabama Museum of Natural History — Mound State Park and Archaeologi- cal	132,545	36,500	169,045
<hr/>			
10. College of Community Health Sciences:			
(a) Libraries			101,797
(b) Academic Support (excl. Libr.)			432,334
(c) Instruction			1,139,248
(d) Capital Improvement ..			22,795

Source of Funds:

(1) ASETF	1,616,174		
(2) Other Sources		80,000	
<hr/>			
Total College of Commu- nity Health Sciences	1,616,174	80,000	1,696,174
<hr/>			

11. Mineral Resources Institute:

(a) Instruction	191,381
(b) Capital Improvements...	19,007

Source of Funds:

(1) ASETF	210,388	
<hr/>		
Total Mineral Resources In- stitute	210,388	210,388
<hr/>		

12. Auxiliary Enterprises:

(a) Scholarships and Fel- lowships	522,828
(b) Capital Improvements...	39,462
(c) Auxiliary Enterprises ...	11,120,219

Source of Funds:

(1) Other Sources	11,682,509	
<hr/>		
Total Auxiliary Enterprises	11,682,509	11,682,509
<hr/>		

13. Restricted Funds:

(a) Instruction	8,470,266
(b) Research	1,276,508
(c) Public Service	101,532
(d) Libraries	107,605
(e) Academic Support (excl. Libr.)	108,845
(f) Student Services	341,764
(g) Institutional Support ...	132,979
(h) Operation and Mainte- nance of Physical Plant	26,078
(i) Scholarships and Fel- lowships	2,807,322
(j) Capital Improvements...	474,908

Source of Funds:

(1) State Funds	3,728,063
(2) Federal Funds	8,269,182
(3) Local Funds	16,442

(4) Other Sources	1,834,120		
Total Restricted Funds	13,847,807	13,847,807	
<hr/>			
14. Selma Family Practice			
(a) Capital Improvements...		100,000	
Source of Funds:			
(1) ASETF	100,000		
Total Selma Family Practice	100,000		100,000
<hr/>			
15. Hamilton Family Residency			
(a) Family Residency Program		200,000	
Source of Funds:			
(1) ASETF	200,000		
Total Hamilton Residency ..	200,000		200,000
<hr/>			
TOTAL UNIVERSITY OF ALABAMA	33,177,257	39,763,714	72,940,971
<hr/>			
B. University of Alabama in Birmingham			
1. School of Medicine:			
(a) Instruction		11,313,845	
(b) Research		17,180,283	
(c) Public Service		6,704,500	
(d) Libraries		279,300	
(e) Academic Support		838,063	
(f) Student Services		352,370	
(g) Institutional Support ..		2,933,219	
(h) Operation & Maintenance of Physical Plant		2,933,220	
(i) Debt Service		773,000	
Source of Funds:			
(1) ASETF	12,920,000		
(2) State Funds		1,500,000	
(3) Federal Funds		23,000,000	
(4) Local Funds		500,000	
(5) Other Funds		5,387,800	
Total School of Medicine	12,920,000	30,387,800	43,307,800
<hr/>			
2. Family Residency Program			
(a) Instruction		1,240,575	

(b) Institutional Support ...	16,575
(c) Operation & Maintenance of Physical Plant	17,850

Source of Funds:

(1) ASETF	1,275,000	
Total Family Residency Program	1,275,000	1,275,000

The above appropriation shall be expended for residency programs as follows:

Anniston	225,000
East End	225,000
Cooper Green	225,000
Montgomery	225,000
Heflin	50,000
Selma	225,000
Gadsden	100,000

3. University College:

(a) Instruction	9,570,238
(b) Research	587,223
(c) Public Service	869,169
(d) Libraries	1,118,756
(e) Academic Support	2,133,102
(f) Student Services	813,873
(g) Institutional Support.....	1,922,978
(h) Operation & Maintenance of Physical Plant	1,622,298
(i) Scholarships and Fellowship	341,782

Source of Funds:

(1) ASETF	10,908,531		
(2) Federal Funds		931,897	
(3) Other Sources		7,138,991	
Total University College	10,908,531	8,070,888	18,979,419

4. University Hospital and Clinics:

(a) Hospital	72,033,743
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Source of Funds:

(1) ASETF	4,400,00
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(2) Other Sources	67,633,743		
Total University Hospital Clinics	4,400,000	67,633,743	72,033,743
5. School of Optometry:			
(a) Instruction		1,815,466	
(b) Research		97,475	
(c) Public Service		34,116	
(d) Libraries		5,088	
(e) Academic Support (excl. Libr.)		14,621	
(f) Student Services		41,427	
(g) Institutional Support.....		141,338	
(h) Operation & Maintenance of Physical Plant		292,424	
Source of Funds:			
(1) ASETF	1,708,786		
(2) Federal Funds		168,169	
(3) Other Sources		565,000	
Total School of Optometry	1,708,786	733,169	2,441,955
6. School of Community and Allied Health Resources:			
(a) Instruction		1,258,018	
(b) Research		215,154	
(c) Public Service		245,529	
(d) Libraries		22,782	
(e) Academic Support (excl. Libr.)		377,152	
(f) Student Services		126,561	
(g) Institutional Support.....		154,405	
(h) Operation & Maintenance of Physical Plant		108,843	
(i) Scholarships & Fellowships		22,780	
Source of Funds:			
(1) ASETF	1,533,724		
(2) Federal Funds		644,500	
(3) Other Sources		353,000	
Total School of Community and Allied Health Resources	1,533,724	997,500	2,531,224

7. Regional Technical Institute:

(a) Instruction	932,336
(b) Research	117,505
(c) Public Service	213,821
(d) Libraries	15,411
(e) Academic Support (excl. Libr.)	317,842
(f) Student Services	44,305
(g) Institutional Support.....	138,695
(h) Operation & Maintenance of Physical Plant	146,400

Source of Funds:

(1) ASETF	1,365,655		
(2) Federal Funds		430,000	
(3) Other Sources		130,750	
<hr/>			
Total Regional Technical Institute	1,365,565	560,750	1,926,315

8. Joint Health Sciences Program:

(a) Instruction	1,638,787
(b) Libraries	21,100
(c) Academic Support (excl. Libr.)	257,892
(d) Student Services	4,689
(e) Institutional Support.....	147,702
(f) Operation & Maintenance of Physical Plant	203,969
(g) Scholarships & Fellowships	70,334

Source of Funds:

(1) ASETF	1,733,923		
(2) Federal Funds		213,514	
(3) Other Sources		397,036	
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Total Joint Health Sciences Program	1,733,923	610,550	2,344,473

9. Department of Pediatrics:

(a) Instruction	300,000
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Source of Funds:		
(1) ASETF	300,000	
<hr/>		
Total Department of Pediatrics	300,000	300,000
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10. Center for Labor Education and Research:		
(a) Public Service		218,542
(b) Institutional Support.....		28,665
(c) Operation & Maintenance of Physical Plant		15,779
Source of Funds:		
(1) ASETF	262,986	
<hr/>		
Total Center for Labor Education and Research	262,986	262,986
<hr/>		
11. Student Nurses Loans:		
(a) Scholarships & Fellowships		12,000
Source of Funds:		
(1) ASETF	12,000	
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Total Student Nurses Loans	12,000	12,000
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12. Special Mental Health:		
(a) Instruction		1,768,595
(b) Research		384,447
(c) Public Service		88,678
(d) Institutional Support		76,378
(e) Operation & Maintenance of Physical Plant		79,858
(f) Transfers		587,044
Source of Funds:		
(1) Special Mental Health Fund	2,985,000	
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Total Special Mental Health	2,985,000	2,985,000
<hr/>		
13. Center for Developmental and Learning Disorders:		
(a) Instruction		1,507,533

(b) Research	8,782
(c) Public Service	1,057,577

Source of Funds:

(1) Special Mental Health Fund	504,000	
(2) Federal Funds	1,456,051	
(3) Local Funds	109,268	
(4) State Funds	425,354	
(5) Other Funds	79,219	
Total Center for Development and Learning Disorder	2,573,892	2,573,892

14. School of Dentistry:

(a) Instruction	5,444,690
(b) Research	2,262,577
(c) Public Service	1,042,640
(d) Libraries	84,695
(e) Academic Support	725,959
(f) Student Services	48,397
(g) Institutional Support	859,051
(h) Operation & Maintenance of Physical Plant	1,621,308
(i) Debt Service	94,490

Source of Funds:

(1) ASETF	5,850,000	
(2) Federal Funds	4,415,800	
(3) Other Sources	1,928,000	
Total School of Dentistry.....	5,850,000	6,343,800 12,193,800

15. School of Nursing Scholarships:

(a) Scholarships & Fellowships	88,400
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Source of Funds:

(1) ASETF	88,400	
Total School of Nursing Scholarships	88,400	88,400

16. System Medical Education Program:

(a) Instruction	475,000
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Source of Funds:

(1) ASETF	475,000	
Total System Medical Education Program	475,000	475,000

17. School of Nursing:

(a) Instruction		2,182,924
(b) Research		13,270
(c) Public Service		16,588
(d) Libraries		33,175
(e) Academic Support		361,609
(f) Student Services		53,080
(g) Institutional Support		248,814
(h) Operation & Maintenance of Physical Plant		215,638
(i) Scholarships & Fellowships		192,416

Source of Funds:

(1) ASETF	2,115,316		
(2) Federal Funds		675,111	
(3) Other Sources		527,087	
Total School of Nursing	2,115,316	1,202,198	3,317,514

18. Health - Related Research and Public Service:

(a) Instruction		268,750
(b) Research		244,443
(c) Public Service		1,103,865
(d) Institutional Support		43,000
(e) Operation & Maintenance of Physical Plant		48,500

Source of Funds:

(1) ASETF	1,708,558		
Total Health-Related Research and Public Service	1,708,558		1,708,558

(These appropriations under Subsection B, University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether

operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursements for patient care activities.)

19. End Stage Renal Disease:		
(a) Capital Improvements...		800,000
Source of Funds:		
(1) ASETF	800,000	
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Total End Stage Renal Diseases	800,000	800,000
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20. Emergency Medical Training, Including Mining Emergency Training and Safety:		
(a) Instruction		125,000
(b) Research		50,000
(c) Public Service		40,000
(d) Institutional Support		17,500
(e) Operation & Maintenance of Physical Plant		17,500
Source of Funds:		
(1) ASETF	250,000	
<hr/>		
Total Emergency Medical Training	250,000	250,000
<hr/>		
TOTAL UNIVERSITY OF ALABAMA IN BIRMINGHAM	47,707,789	122,099,290 169,807,079

C. University of Alabama in Huntsville

1. Operation and Maintenance:		
(a) Instruction		3,774,180
(b) Research		1,430,590
(c) Public Service		240,728
(d) Libraries		310,463

(e) Academic Support (excl. Libr.)	240,303
(f) Student Services	399,162
(g) Institutional Support ..	1,129,697
(h) Operation and Maintenance of Physical Plant	1,008,072
(i) Scholarships and Fellowships	811,928
(j) Auxiliary Enterprises ..	1,315,561
(k) Equipment Purchases ..	300,422

Source of Funds:

(1) ASETF	4,819,476		
(2) State Funds		85,494	
(3) Federal Funds		1,964,933	
(4) Other Sources		4,091,203	
Total Operation & Maintenance	4,819,476	6,141,630	10,961,106

2. School of Nursing Scholarships:

(a) Scholarships and Fellowships	18,000
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Source of Funds:

(1) ASETF	18,000	
Total School of Nursing Scholarships	18,000	18,000

(To be expended in accordance with Act 2290, 1971 Regular Session.)

3. School of Primary Medical Care:

(a) Instruction	1,672,833
(b) Public Service	16,720
(c) Libraries	26,518
(d) Academic Support (excl. Lib.)	371,592
(e) Student Services	68,046
(f) Institutional Support.....	325,543
(g) Operation nad Maintenance of Physical Plant	241,370

(h) Scholarships and Fellowships	5,475
(i) Equipment Purchases	51,000

Source of Funds:

(1) ASETF	2,267,652		
(2) Federal Funds		447,445	
(3) Other Sources		64,000	
Total School of Primary Medical Care	2,267,652	511,445	2,779,097

4. Center for Environmental and Energy Studies:

(a) Research	273,706
(b) Public Service	194,168
(c) Institutional Support	13,456
(d) Operation and Maintenance of Physical Plant	52,290
(e) Equipment Purchases	34,422

Source of Funds:

(1) ASETF	262,986		
(2) State Funds		49,114	
(3) Federal Funds		254,417	
(4) Other Sources		1,525	
Total Center for Environmental and Energy Studies	262,986	305,056	568,042

5. Ambulatory Care Center:

(a) Instruction	527,752
(b) Academic Support	520,524
(c) Institutional Support	64,875
(d) Operation and Maintenance of Physical Plant	74,667
(e) Equipment Purchases	58,442

Source of Funds:

(1) ASETF	558,168		
(2) Other Sources		688,092	
Total Ambulatory Care Center	558,168	688,092	1,246,260

6. School of Nursing:

(a) Instruction	527,283
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(b) Academic Support excl. Libr.)			166,510
(c) Institutional Support ..			77,920
(d) Operation and Maintenance of Physical Plant			137,610
(e) Equipment Purchases ..			11,998
Source of Funds:			
(1) ASETF	682,482		
(2) Federal Funds		60,000	
(3) Other Sources		178,839	
Total School of Nursing	682,482	238,839	921,321
TOTAL UNIVERSITY OF ALABAMA IN HUNTSVILLE	8,608,764	7,885,062	16,493,826

II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operation and Maintenance

(a) Instruction			5,081,743
(b) Research			1,189,700
(c) Public Service			1,434,405
(d) Libraries			544,051
(e) Academic support			271,476
(f) Student Services			398,486
(g) Institutional Support ..			1,773,905
(h) Operations & Maintenance of Physical Plant			1,929,744
(i) Scholarships & Fellow- ships			80,000
(j) Auxiliary Enterprises ..			2,512,962
(k) Equipment Purchases ..			138,116
(l) Automotive Equipment ..			83,000
(m) Debt Service			491,321

Source of Funds:

(1) ASETF	6,951,132		
(2) Federal Funds		3,271,494	
(3) Other Sources		5,534,283	
(4) State Funds		172,000	
Total Alabama A & M Uni- versity	6,951,132	8,977,777	15,928,909

III. Board of Trustees of Alabama State University

A. Alabama State University

1. Operation and Maintenance:

(a) Instruction	4,608,030
(b) Libraries	757,344
(c) Academic Support (Excl. Libr.)	522,090
(d) Student Services	868,189
(e) Institutional Support	1,307,364
(f) Operation & Maintenance of Physical Plant	1,488,642
(g) Scholarships & Fellow- ships	2,893,892
(h) Auxiliary Enterprises	2,349,960
(i) Research	74,893
(j) Public Service	78,851
(k) Debt Service	1,294,000

Source of Funds:

(1) ASETF	5,936,199		
(2) Federal Funds		3,332,836	
(3) Other Sources		6,943,020	
(4) State Funds		31,200	
Total Alabama State Uni- versity	5,936,199	10,307,056	16,243,255

IV. Board of Trustees of Auburn University

A. Auburn University

1. Operation and Maintenance:

(a) Instruction	29,376,930
(b) Research	9,105,270
(c) Public Service	926,467
(d) Libraries	2,296,142
(e) Academic Support	947,220
(f) Student Services	1,676,074
(g) Institutional Support	1,981,712
(h) Operation & Maintenance of Physical Plant	5,836,439
(i) Scholarships & Fellow- ships	1,800,000

Source of Funds:

(1) ASETF	30,025,072
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(2) Federal Funds	3,495,000		
(3) Local Funds	760,000		
(4) Other Sources	17,710,902		
(5) State Funds	1,955,280		
<hr/>			
Total Operation and Maintenance	30,025,072	23,921,182	52,946,254
<hr/>			
2. Instruction, Research and Development:			
(a) Research			7,911,700
(b) Public Services			763,750
(c) Libraries			12,650
(d) Institutional Support ..			237,900
<hr/>			
Source of Funds:			
(1) State Funds	1,935,000		
(2) Federal Funds	3,340,000		
(3) Local Funds	770,000		
(4) Other Sources	2,881,000		
<hr/>			
Total Instruction, Research and Development		8,926,000	8,926,000
<hr/>			
3. Educational Television:			
(a) Instruction			320,062
<hr/>			
Source of Funds:			
(1) ASETF	320,062		
<hr/>			
Total Educational Television	320,062		320,062
<hr/>			
4. Center for Vocational and Adult Teacher Education:			
(a) Instruction			125,000
<hr/>			
Source of Funds:			
(1) ASETF	125,000		
<hr/>			
Total Center for Vocational & Adult Teacher Education	125,000		125,000
<hr/>			
5. Clinical Psychology:			
(a) Instruction			100,000
<hr/>			
Source of Funds:			
(1) ASETF	100,000		
<hr/>			
Total Clinical Psychology ..	100,000		100,000
<hr/>			
6. Agricultural Experiment Station:			
(a) Research			13,550,418

Source of Funds:

(1) ASETF	6,289,803		
(2) Federal Funds		3,966,085	
(3) Other Sources		3,100,000	
(4) State Funds		194,530	
<hr/>			
Total Agricultural Experiment Station	6,289,803	7,260,615	13,550,418
<hr/>			

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (a) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1978.

The funds provided in this sub-section (a) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns, and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the va-

rious soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, building, fencing livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

7. Wildlife Research:

(a) Research

Source of Funds:			
(1) ASETF	53,344		
Total Wildlife Research	53,344		53,344
8. Engineering Experimental Station:			
(a) Research			506,764
Source of Funds:			
(1) ASETF	506,764		
Total Engineering Experimental Station	506,764		506,764
9. Cooperative Extension Service:			
(a) Public Service			15,391,437
Source of Funds:			
(1) ASETF	6,831,234		
(2) Federal Funds		6,896,203	
(3) Local Funds		1,510,000	
(4) Other Sources		154,000	
Total Cooperative Extension Service	6,831,234	8,560,203	15,391,437
10. Cooperative Extension Service — Retirement:			
(a) Public Service			765,773
Source of Funds:			
(1) ASETF	588,313		
(2) Other Sources		177,460	
Total Cooperative Extension Service — Retirement	588,313	177,460	765,773

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

11. Public Service, Research and Extension:			
(a) Public Service			100,000
Source of Funds:			
(1) ASETF	100,000		
Total Public Service, Research and Extension	100,000		100,000
12. Auxiliary Enterprises:			
(a) Auxiliary Enterprises...			25,033,930
Source of Funds:			
(1) Other Sources	25,033,930		
Total Auxiliary Enterprises	25,033,930	25,033,930	
TOTAL AUBURN UNIVERSITY	44,939,592	73,879,390	118,818,982

B. Auburn University at Montgomery

1. Operations & Maintenance:			
(a) Instruction		3,821,576	
(b) Research		60,188	
(c) Public Service		3,369,207	
(d) Libraries		740,035	
(e) Academic Support		327,602	
(f) Student Services		517,605	
(g) Institutional Support ..		222,838	
(h) Operation and Maintenance of Physical Plant		592,166	
(i) Scholarships and Fellowships		12,000	
(j) Debt Service		82,664	
Source of Funds:			
(1) ASETF	4,582,460		
(2) Federal Funds		3,250,278	
(3) State Funds		109,870	
(4) Other Sources		1,803,273	
Total Operation and Maintenance	4,582,460	5,163,421	9,745,881
2. Montgomery Area Community Health Science Institute:			
(a) Public Service			120,541

Source of Funds:			
(1) ASETF	120,541		
<hr/>			
Total Montgomery Area Community Health Science Inst.	120,541		120,541
<hr/>			
3. Public Service Research & Extensions (Centers for Business & Public Affairs):			
(a) Research			20,000
(b) Public Services			30,000
Source of Funds:			
(1) ASETF	50,000		
<hr/>			
Total Public Service Re- search & Extensions (Cen- ters for Business & Public Affairs)	50,000		50,000
<hr/>			
4. Auxiliary Enterprises:			
(a) Auxiliary Enterprises ...			1,333,183
Source of Funds:			
(1) Other Sources	1,333,183		
<hr/>			
Total Auxiliary Enterprises	1,333,183		1,333,183
<hr/>			
TOTAL AUBURN AT MONT- GOMERY	4,753,001	6,496,604	11,249,605

V. Board of Trustees of Jackson-
ville State University

A. Jacksonville State Univer-
sity

1. Operations and Maintenance:			
(a) Instruction			7,140,000
(b) Public Service			61,000
(c) Libraries			1,009,000
(d) Academic Support			418,000
(e) Student Services			811,000
(f) Institutional Support ...			352,000
(g) Operation and Mainte- nance of Physical Plant			2,155,891
(h) Scholarships and Fel- lowships			300,000
(i) Debt Service			489,425
Source of Funds:			
(1) ASETF	8,792,532		

(2) State Funds	145,000		
(3) Other Sources	3,798,784		
Total Operations & Maintenance	8,792,532	3,943,784	12,736,316
<hr/>			
2. Gadsden Program:			
(a) Instruction			311,468
(b) Public Service			5,000
(c) Libraries			20,000
(d) Academic Support			15,000
(e) Student Services			13,000
(f) Institutional			—
(g) Operation and Maintenance of Physical Plant			50,000
Source of Funds:			
(1) ASETF	309,468		
(2) Other Sources		105,000	
Total Gadsden Program	309,468	105,000	414,468
<hr/>			
3. Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
Source of Funds:			
(1) ASETF	18,000		
Total Nursing Scholarships	18,000		18,000
<hr/>			
(To be expended in accordance with Act No. 2288, 1971 Regular Session.)			
4. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			1,327,215
Source of Funds:			
(1) Other Sources		1,327,215	
Total Auxiliary Enterprises		1,327,215	1,327,215
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TOTAL JACKSONVILLE STATE UNIVERSITY	9,120,000	5,375,999	14,495,999
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VI Board of Trustees of Livingston University			
A. Livingston University			
1. Operation and Maintenance			
(a) Instruction			1,489,643

(b) Libraries			99,810
(c) Academic Support (excl. Libr.)			68,616
(d) Student Services			164,654
(e) Institutional Support			565,181
(f) Operation & Maintenance of Physical Plant			707,677
(g) Scholarships and Fellowships			5,605
(h) Auxiliary Enterprises			1,016,169
(i) Equipment Purchases			88,211
(j) Automotive Equipment			20,000
Source of Funds:			
(1) ASETF	2,663,554		
(2) Federal Funds		253,930	
(3) Local Funds		1,308,082	
Total Operation and Maintenance	2,663,554	1,562,012	4,225,566
<hr/>			
2. Nursing Scholarships:			
(a) Scholarships and Fellowships			18,000
Source of Funds:			
(1) ASETF	18,000		
Total Nursing Scholarships	18,000		18,000
TOTAL LIVINGSTON UNIVERSITY	2,681,554	1,562,012	4,243,566

VII. Board of Trustees of University of Montevallo

A. University of Montevallo:

1. Operations and Maintenance:			
(a) Instruction			2,972,100
(b) Research			5,500
(c) Public Service			75,600
(d) Libraries			219,000
(e) Academic Support			265,500
(f) Student Services			317,600
(g) Institutional Support			617,000
(h) Operation & Maintenance of Physical Plant			1,229,800
(i) Scholarships and Fellowships			82,500
(j) Auxiliary Enterprises			2,260,869
(k) Capital Improvements			475,888

Source of Funds:			
(1) ASETF	4,425,188		
(2) State Funds		52,510	
(3) Federal Funds		113,790	
(4) Other Sources		3,930,869	
Total Operations and Maintenance	4,425,188	4,097,169	8,522,357
<hr/>			
2. School for Aphasic Children:			
(a) Instruction			165,872
(b) Operation and Maintenance of Physical Plant			16,000
Source of Funds:			
(1) ASTEF	164,374		
(2) Other Sources		17,498	
Total School for Aphasic Children	164,374	17,498	181,872
<hr/>			
3. Highway Safety Program:			
(a) Instruction			95,127
(b) Operation and Maintenance of Physical Plant			31,921
Source of Funds:			
(1) ASETF	115,714		
(2) Other Sources		11,334	
Total Highway Safety Program	115,714	11,334	127,048
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TOTAL UNIVERSITY OF MONTEVALLO	4,705,276	4,126,001	8,831,277

VIII. Board of Trustees of University of North Alabama

A. University of North Alabama:

1. Operations and Maintenance:

(a) Instruction	4,572,557
(b) Research	42,600
(c) Public Service	45,916
(d) Libraries	516,567
(e) Academic Support	224,258
(excl. Libr.)	224,258
(f) Student Services	466,106

(g) Institutional Support			1,123,590
(h) Operation & Maintenance of Physical Plant			1,514,120
(i) Scholarships & Fellowships			51,600
(j) Equipment Purchases			78,939
(k) Debt Service			455,000
Source of Funds:			
(1) ASETF	5,710,623		
(2) Federal Funds		178,000	
(3) Local Funds		80,000	
(4) Other Sources		3,122,630	
Total Operation and Maintenance	5,710,623	3,380,630	9,091,253
2. Auxiliary Enterprises:			
(a) Auxiliary Enterprises			3,391,276
Source of Funds:			
(1) Other Sources		3,391,276	
Total Auxiliary Enterprises		3,391,276	3,391,276
3. Nursing School Scholarships:			
(a) Scholarships & Fellowships			18,000
Source of Funds:			
(1) ASETF		18,000	
Total Nursing School Scholarships		18,000	18,000
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)			
TOTAL UNIVERSITY OF NORTH ALABAMA	5,728,623	6,771,906	12,500,529

IX. Board of Trustees of University of South Alabama

A. University of South Alabama:

1. Operations and Maintenance:			
(a) Instruction			7,402,237
(b) Research			129,439
(c) Public Service			69,094

(d) Libraries			315,789
(e) Academic Support			430,840
(f) Student Services			1,247,196
(g) Institutional Support ..			1,410,366
(h) Operations and Maintenance of Physical Plant			1,824,534
(i) Scholarships and Fellowships			270,140
(j) Debt Service			1,499,333
(k) Equipment Purchases ..			551,707
(l) Automotive Equipment ..			70,500
(m) Capital Improvements ..			92,000
(n) Transfers			50,000
Source of Funds:			
(1) ASETF	8,055,439		
(2) State Funds		50,194	
(3) Federal Funds		565,101	
(4) Other Sources		6,692,441	
Total Operations and Maintenance	8,055,439	7,307,736	15,363,175
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2. Statewide Medical Education:			
(a) Instruction			121,115
Source of Funds:			
(1) ASETF	121,115		
Total Statewide Medical Education	121,115		121,115
<hr/>			
3. Ambulatory Care:			
(a) Academic Support			94,470
Source of Funds:			
(1) ASETF	94,470		
Total Ambulatory Care	94,470		94,470
<hr/>			
4. Family Practice Residency Program:			
(a) Instruction			384,833
(b) Operations and Maintenance of Physical Plant ..			4,000
(c) Equipment Purchases ..			7,225
(d) Transfers			77,049
Source of Funds:			
(1) ASETF	473,107		
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Total Family Practice Residency Programs	473,107		473,107
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The above appropriation shall be expended for Rural Family Practice Training Programs not limited to but including Family Practice Residency in Baldwin County and Family Practice Training Center in Pike County: \$473,107			
5. College of Medicine:			
(a) Instruction		5,767,420	
(b) Research		908,147	
(c) Public Service		22,293	
(d) Libraries		383,350	
(e) Academic Support		267,919	
(f) Student Services		105,368	
(g) Institutional Support		539,199	
(h) Operations & Maintenance of Physical Plant		840,083	
(i) Scholarships and Fellowships		36,380	
(j) Equipment Purchases		200,000	
(k) Capital Improvements		2,084,538	
Source of Funds:			
(1) ASETF	7,188,066		
(2) State Funds		402,448	
(3) Federal Funds		775,668	
(4) Other Sources		2,788,515	
Total College of Medicine	7,188,066	3,966,631	11,154,697
<hr/>			
6. University Medical Center:			
(a) Medical Center Operations and Maintenance		23,269,683	
(b) Equipment Purchases		855,108	
(c) Automotive Equipment		17,802	
Source of Funds:			
(1) ASETF	1,582,478		
(2) Other Sources		22,560,115	
Total University Medical Center	1,582,478	22,560,115	24,142,593
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(The appropriations under Subsection 6, University Medical Center, are for unrestricted			

support of Medical Center Operations and Maintenance, and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.)

7. Infant and Maternal Care:			
(a) Instruction			50,000
Source of Funds:			
(1) ASETF	50,000		
Total Infant & Maternal Care	50,000		50,000
8. End Stage Renal Disease:			
(a) Capital Improvements ..			50,000
(b) Instruction			25,000
Source of Funds:			
(1) ASETF	75,000		
Total End Stage Renal Disease	75,000		75,000
9. Division of Allied Health:			
(a) Instruction			380,643
(b) Institutional Support ..			58,216
(c) Equipment Purchases ...			50,000
(d) Transfers			27,743
Source of Funds:			
(1) ASETF	512,262		
(2) Other Sources		4,340	
Total Division of Allied Health	512,262	4,340	516,602
10. School of Nursing:			
(a) Instruction			447,499
(b) Equipment Purchases ...			20,000
(c) Transfers			54,487

Source of Funds:

(1) ASETF	409,578		
(2) Federal Funds		21,000	
(3) Other Sources		91,408	
Total School of Nursing	409,578	112,408	521,986

11. Nursing Scholarships:

(a) Scholarships and Fellowships			21,355
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Source of Funds:

(1) ASETF	18,000		
(2) Other Sources		3,355	
Total Nursing Scholarships	18,000	3,355	21,355

(To be expended in accordance with Act No. 2304, 1971 Regular Session.)

12. Auxiliary Enterprises:

(a) Auxiliary Enterprises			3,800,153
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Source of Funds:

(1) Other Sources		3,800,153	
Total Auxiliary Enterprises		3,800,153	3,800,153

TOTAL UNIVERSITY OF SOUTH ALABAMA

	18,579,515	37,754,738	56,334,253
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X. Board of Trustees of Troy State University

A. Troy State University:

1. Operations and Maintenance:

(a) Instruction	3,926,100
(b) Research	34,270
(c) Libraries	539,130
(d) Academic Support (Excl. Libr.)	61,440
(e) Student Services	604,980
(f) Institutional Support	1,998,800
(g) Operation & Maintenance of Physical Plant	1,262,480
(h) Scholarships & Fellowships	396,100
(i) Public Service	200,000
(j) Auxiliary Enterprises	2,525,530
(k) Capital Improvements	117,369

(1) Automotive Equipment			9,490
(m) Debt Services			243,000
Source of Funds:			
(1) ASETF	5,693,364		
(2) Federal Funds		566,580	
(3) Other Sources		5,658,745	
Total Operations & Maintenance	5,693,364	6,225,325	11,918,689
2. Extension, Public Service and Research:			
(a) Public Service			932
Source of Funds:			
(1) Other Sources		932	
Total Extension, Public Service and Research		932	932
3. Operation and Maintenance at Ft. Rucker/Dothan:			
(a) Instruction			986,640
(b) Libraries			138,160
(c) Institutional Support			363,270
(d) Auxiliary Enterprises			134,556
Source of Funds:			
(1) ASETF	330,000		
(2) Other Sources		1,292,626	
Total Operation & Maintenance at Ft. Rucker/Dothan	330,000	1,292,626	1,622,626
4. Operations and Maintenance in Montgomery:			
(a) Instruction			1,259,576
(b) Public Service			118,607
(c) Libraries			29,285
(d) Institutional Support			648,060
(e) Auxiliary Enterprises			182,050
Source of Funds:			
(1) ASETF	187,000		
(2) Other Sources		2,050,578	
(Total Operations and Maintenance in Montgomery)	187,000	2,050,578	2,237,578
5. Nursing Scholarships:			
(a) Scholarships and Fellowships			36,000

Source of Funds:			
(1) ASETF	36,000		
Total Nursing Scholarships	36,000		36,000
(To be expended in accordance with Act No. 2292, 1971 Regular Session.)			
TOTAL TROY STATE UNIVERSITY	6,246,364	9,569,461	15,815,825

XI. Board of Trustees for Alabama Institute for Deaf and Blind

A. Alabama Institute for Deaf and Blind:

1. Operation and Maintenance:

(a) Instruction	1,568,033		
(b) Libraries	40,938		
(c) Student Services	345,784		
(d) Institutional Support ..	135,628		
(e) Operation and Maintenance of Physical Plant	1,215,948		
(f) Scholarships and Fellowships	887		
(g) Infirmary Speech and Hearing	121,120		
(h) Auxiliary Enterprises ..	2,114,622		

Source of Funds:

(1) ASETF	3,334,500		
(2) State Funds		79,255	
(3) Federal Funds		1,789,182	
(4) Other Sources		340,023	
Total Alabama Institute for Deaf and Blind	3,334,500	2,208,460	5,542,960

B. Department of Adult Blind and Deaf:

1. Operation and Maintenance:

(a) Instruction	918,965		
(b) Libraries	82,095		
(c) Academic Support (Excl. Libr.)	30,231		
(d) Student Services	646,441		
(e) Institutional Support	247,356		
(f) Operation and Maintenance of Physical Plant	226,142		

(g) Auxiliary Enterprises		5,809,272	
(h) Equipment Purchases		48,554	
Source of Funds:			
(1) ASETF	1,380,500		
(2) Federal Funds		1,619,141	
(3) Other Sources		5,009,415	
Total Department of Adult Blind and Deaf	1,380,500	6,628,556	8,009,056
GRAND TOTAL ALABAMA INSTITUTE FOR DEAF AND BLIND	4,715,000	8,837,016	13,552,016

Also each certificated employee shall be allowed two hundred forty seven dollars and twenty cents (\$247.20) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan(s) and the carrier(s) of the hospital-medical insurance.

Of the appropriation above three hundred dollars (\$300) per teacher unit for grades K-12 is allocated for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allotted for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. The faculty and principal shall cooperatively develop a budget for instructional supplies and materials and, based on this budget, recommend to the President the amount to be allotted to each teacher for the operation of the instructional program within the school. The board of trustees shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section.

Of the amount appropriated above for the fiscal year ending September 30, 1978, in addition to salary now received and all salary increments due, all teachers and administrative employees shall receive salary increases as follows: Teachers holding Rank "AA" or equivalent certificates not less than one thousand three hundred sixty dollars (\$1,360) per annum; Rank I or its equivalent teachers not less than one thousand two hundred forty-five dollars (\$1,245) per annum; Rank II or its equivalent teachers not less than one thousand one hundred thirty dollars (\$1,130) per annum; Rank III or its equivalent teachers not less than one thousand fifteen dollars (\$1,015) per annum; Rank IV or its equivalent teachers not less than nine hundred (\$900) per annum for the regular academic year. Persons employed for ten, eleven or twelve months shall receive an additional pro rata salary increase. All other full-time non-teaching employees of the Institute shall receive a salary increase of not less than five hundred dollars (\$500) per annum.

XII. State Board of Education

A. Athens State College:

1. Operation and Maintenance:

(a) Instruction	951,418
(b) Research	64,222
(c) Public Service	17,458
(d) Libraries	70,925
(e) Academic Support (excl. Libr.)	87,182
(f) Student Services	143,456
(g) Institutional Support ...	302,649

(h) Operation and Maintenance of Physical Plant	263,249
(i) Auxiliary Enterprises ...	248,109
(j) Equipment Purchases ...	75,638

Source of Funds:

(1) ASETF	1,145,933		
(2) Federal Funds		177,717	
(3) Other Sources		900,656	
Total Athens State College...	1,145,933	1,078,373	2,224,306

Section 6. For Funding of a Paramedic Training Program with the proposed instruction to be conducted at the following institutions.

1. University of Alabama at Huntsville
For equipment and related program cost 125,000
2. University of Alabama at Tuscaloosa
For equipment and related program cost 100,000
3. University of South Alabama
For equipment and related program cost 125,000
4. George C. Wallace Community College at Dothan. For equipment and related program cost 120,000
5. Gadsden State Junior College
For equipment and related program cost 125,000

Section 7. For the examiners of Public Accounts to be used for the purpose of auditing all phases of public education. 100,000

Source of Funds:

(1) ASETF	100,000	
Total Examiners of Public Accounts	100,000	100,000

Section 8. Department of Agriculture

For a livestock judging arena 400,000

Source of Funds:

(1) ASETF	400,000	
Total	400,000	400,000

Section 9. For the East Alabama Regional Child Development Program. 425,000

Source of Funds:

(1) ASETF	425,000	
Total	425,000	425,000

Section 10. Department of Health

For the Division of Maternal & Child Health

200,000

Source of Funds:

(1) ASETF	200,000	
Total	200,000	200,000

(Provided however, that the above appropriation shall be expended only for the development of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting Federal matching requirements.)

Section 11. There is hereby appropriated to each of the following city and county boards of education the amount of \$200,000 for use in replacing or repairing burned school buildings or school buildings which have been destroyed or damaged by natural disasters:

Covington County Board of Education
Walker County Board of Education
Bibb County Board of Education
Elmore County Board of Education
Escambia County Board of Education
Montgomery County Board of Education
Fayette County Board of Education (For Berry School)
Lauderdale County Board of Education
Dale County Board of Education
Baldwin County Board of Education
Mobile County Board of Education (For Satsuma High

School)

Tuscaloosa County Board of Education
Perry County Board of Education
Marshall County Board of Education
Arab City Board of Education
Chambers County Board of Education

Section 12. There is hereby appropriated \$3,200,000 to be distributed by the Governor at his discretion to city and county boards of education for repairing or replacing burned school buildings or buildings which have been damaged or destroyed by natural disasters.

Section 13.

A.

1. There is hereby transferred from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$2,985,000 to be expended under the programmatic area as shown under subsection 12 on page 45.

2. There is hereby transferred from the Special Mental Health Trust Fund \$504,000 to be expended under the programmatic area as shown under subsection 13 on page 45.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution in 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 14. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Alabama, Alabama A & M University, Alabama State University, Auburn University, Alabama Institute for Deaf and Blind, Alabama Educational Television Commission, Jacksonville State University, Livingston State University, University of Montevallo, University of North Alabama, University of South Alabama, State Social Security Board, Teachers' Retirement System, Troy State University, and the Youth Services Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 15. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of

the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall either maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 16. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 17. This Act shall become effective on October 1, 1977.

Approved May 20, 1977.

Time: 4:00 P.M.

Act No. 638

H. 269—Johnstone, Glass, Manley

AN ACT

To provide for the attendance of witnesses from outside the state in criminal proceedings and to provide for the summoning of such witnesses and the arrest and service of process; and to provide for the repeal of all laws in conflict; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—“Witness” as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

The word “state” shall include any state or territory of the United States and the District of Columbia.

The word “summons” shall include a subpoena, order or other notice requiring the appearance of a witness.

Section 2. Summoning witness in this state to testify in another state.—If a judge in a court of record in any state which, by its laws, has made provision for commanding persons within that state to attend and testify in this state certifies under seal of such court that there is a criminal proceeding

pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such proceedings, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person resides or the county in which such person is found if he is not a resident of this state, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place for the hearing.

If, at the hearing, the judge determines that the witness is material and necessary, and that it will not cause undue hardship to the witness to be compelled to attend and testify in the criminal proceeding or grand jury investigation in the other state and that the laws of the state in which the proceeding is pending, or the grand jury investigation has commenced or is about to commence (and of any other state through which the witness may be required to pass by the ordinary course of travel) will give him protection from arrest and service of civil and criminal process, in connection with any matter which arose before his entrance into the state under the summons, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the criminal proceeding is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing, the certificate shall be *prima facie* evidence of all facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing. If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the criminal proceeding or grand jury investigation in the other state, and that the laws of the state in which the criminal proceeding is pending or grand jury investigation has commenced or is about to commence will give to him the protection from arrest and service of civil and criminal process in connection with any matter which arose before his entrance into the state under the summons, the judge may in lieu of issuing a subpoena or summons, order that said witness be taken into the custody and delivered to an officer of the requesting state. The certificate shall be *prima facie* proof of such desirability.

If the witness, who is summoned as above, after being

paid or tendered by some properly authorized persons the sum of fifteen cents a mile for each mile by the ordinary traveled route to and from the court where the proceeding is pending and fifteen dollars for each day, that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 3. Witness from another state summoned to testify in this state.—If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal proceedings, or grand jury investigations commenced or about to be commenced, in this state, is a material witness in a criminal proceeding pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, the judge of the court of record where the certificate is presented shall order that said witness be taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate. This certificate shall be presented to a judge of a court of record in the county in which the witness resides or is found if he is not a resident of that state.

If the witness is summoned to attend and testify in this state, he shall be tendered the sum of fifteen cents a mile for each mile traveled by the ordinary route to and from the court where the proceeding is pending and fifteen dollars for each day that he is required to travel and attend as a witness, to be paid out of the Solicitor's Fund, or such other fund as may be provided therefor, upon the direction of the district attorney. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within the state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend

and testify as directed in the summons. he shall be punished in the manner prescribed for the punishment of any witness who disobeys a summons issued from a court of record in this state.

Section 4. Exemption from arrest and service of process.—If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under this summons.

If a person passes through this state while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

Section 5. Uniformity of Interpretation.—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

Section 6. Short title.—This act may be cited as "Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings."

Section 7. Constitutionality.—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

Section 8. All laws or parts of laws in conflict with the provisions hereof are hereby expressly repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 1:45 P.M.

AN ACT

To provide that any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon directly and proximately resulting in serious physical injury to another shall serve the sentence imposed without parole; and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person convicted of any act, or attempt to commit the act, of murder, rape, robbery, or assault with a deadly weapon, the commission of which directly and proximately resulted in serious physical injury to another, and the commission of which followed within five years such previous conviction of another felony, or attempt thereof, resulting in serious physical injury to another, shall upon conviction serve such sentence as may be imposed without benefit of parole, notwithstanding any law to the contrary.

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 1:45 P.M.

Act No. 640

H. 392—Crowe, Callahan, Sasser, Waggoner,
Pegues, Rich, Owens, Sandusky,
Smith (M), Robertson, Whatley,
Baker

AN ACT

To provide that a person who has been twice convicted of a Class A felony, the second conviction resulting in a sentence of imprisonment for life, shall not be eligible for parole; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where a criminal defendant has been convicted of a Class A felony committed after a previous conviction of another Class A felony, and such second conviction results in a sentence to imprisonment for life, he shall not be eligible for parole.

Section 2. All laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective one year after its passage and approval thereof by the governor or one year

after its otherwise becoming law.

Approved May 23, 1977.

Time: 1:45 P.M.

Act No. 641

H. 419—Coburn, Sandusky, Biddle, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Gafford, Owens

AN ACT

To amend Title 15, Section 45, Code of Alabama, 1940 (Recompiled 1958) so as to increase the amount that can be offered as a reward for the rearrest or apprehension of certain specified individuals.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 15, Section 45, Code of Alabama (recompiled 1958) is hereby amended to read as follows:

“Whenever a felony has been committed and the perpetrator thereof is unknown, or when, being known, he absconds before being arrested, or escapes from custody, either before or after conviction, the governor is authorized, in his discretion to offer by proclamation a reward, not exceeding five-thousand dollars for the apprehension or rearrest of such person within five years from the date of such proclamation; and to draw his warrant on the State treasurer for the amount of such reward, when necessary to be paid.”

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 1:45 P.M.

Act No. 642

H. 420—Coburn, Sandusky, Cooper, Smith (M), Robertson, Callahan, Sasser, Manley, Morris, Pegues, Waggoner, Rich, Merrill, Biddle, Gafford, Owens

AN ACT

To amend Title 15, Section 44 of the Code of Alabama, 1940, (recompiled 1958) so as to increase the amount that can be offered as a

reward and also specify the crimes for which the reward can be offered.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 15, Section 44, Code of Alabama, 1940, (recompiled 1958) is hereby amended to read as follows:

When any of the following crimes have been committed:

1. Kidnapping with the intent of obtaining money or property for release of the person kidnapped
2. Attempt to kidnap with the intent to obtain money or property for the release of the person attempted to be kidnapped
3. Arson in the first degree which produces death or maiming of any person
4. Arson in the second degree which produces death or maiming of any person
5. Burglary in the first degree
6. Sabotage or attempt to sabotage any property, facility or service that is being used in connection with national defense, with intent to injure the United States, the State of Alabama or any facilities of property used for national defense, where loss of life occurs by reason of such sabotage or attempt
7. exploding or setting off dynamite or other explosives in certain places as described in Title 14, Section 124 Code of Alabama 1940, (Recompiled 1958)
8. first degree murder
9. rape
10. carnal knowledge of a girl under twelve years of age
11. carnal knowledge of a woman or girl by administering a drug, etc.
12. robbery
13. train robbery.
14. treason
15. or any other crime which is punishable by death; the governor, upon application of the district attorney in the county in which it shall have been committed, may offer publicly a reward not exceeding ten-thousand dollars to the person who shall give information leading to the arrest and conviction of the guilty person; provided however, that in cases involving murder, attempted murder, assassination, or attempted assassination of any member of the judiciary, public or state official,

or any law enforcement officer, the governor may increase the reward up to a maximum of ten-thousand dollars (\$10,000.00). Any such reward shall be paid to the informer by the State by order of the court before which such conviction is had.

Section 2. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 1:45 P.M.

Act No. 643 H. 327—Sasser, Crowe, Sandusky, Smith (M),
Robertson, Moore (O),
Higginbotham, Sonnier, Callahan,
Pegues, Waggoner, Rich, Merrill,
Biddle, Gafford, Owens, Holmes (D),
Naramore, Roberts, Carter, Cross,
Smith (B), Campbell, Dial, Whatley,
Baker, Turnham, McMillan, Hines,
Warren, Smith (C), Weeks, McNees,
Martin, McCulley, White, Moore (W),
Shelton, Jackson (F)

AN ACT

To provide penalties for habitual felony offenders by progressively increasing the class of felony and resulting sentence following conviction of a previous felony conviction.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases when it is shown that a criminal defendant has been previously convicted of any felony and after such conviction has committed another felony, he must be punished as follows:

(a) On conviction of a Class C felony, he must be punished for a Class B felony;

(b) On conviction of a Class B felony, he must be punished for a Class A felony;

(c) On conviction of a Class A felony, he must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.

Section 2. This Act shall become effective one year after its passage and approval thereof by the Governor, or one year after its otherwise becoming law.

Approved May 23, 1977.

Time: 1:45 P.M.

Act No. 644

H. 1312—Morris

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of any city in this state having a population from 2,847 nor more than 2,850 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of any city in this state having a population from 2,847 nor more than 2,850 according to the 1970 or any subsequent federal decennial census are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Commencing at the NW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 30, Township 22 North, Range 23 East, Tallapoosa County, Alabama which is the point of beginning of proposed City Limits of such city. Thence East along the North boundary of the South $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 29 and 30, Township 22 North, Range 23 East to the NE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 29, thence South along the East boundary of said Section 29 and East boundary of Section 32 to its intersection with the present ARC (City Limits) of a 1.5 mile radius, thence along arc, easterly, South-easterly and Southerly, to its intersection with the North Boundary of Section 10, Township 21 North, Range 23 East, thence East along North boundary of Section 10 and Section 11 of the NE corner of Section 11, Township 21 North, Range 23 East thence South along the East boundary of said Section 11 and Section 14 to the East-west $\frac{1}{2}$ Section line of said Section 14, thence West along the $\frac{1}{2}$ Section line of Section 14 and thence continue West to SW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, thence North along the West boundary of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 15 to its intersection with the center of partially paved and partially unpaved County Road, thence westerly along the center of said road approximately 0.8 mile to its intersection with the East boundary of the NE $\frac{1}{4}$ of Section 16, thence South to the SE corner of said NE $\frac{1}{4}$ of Section 16, thence west along the South boundary of N $\frac{1}{2}$ of Section 16 and Section 17, thence continue West along South boundary of N $\frac{1}{2}$ of Section 18, 660.0 feet to a point, thence North, par-

allel with the East boundary of Section 18 to its intersection with the center of Alabama Highway #49, thence Northeasterly along center of said highway approximately 792 feet to its intersection with the East boundary of Section 7, thence North along the East boundary of said Section 7, 660.0 feet to a point, thence west parallel with the South boundary of Section 7 to the West boundary of said Section 7, Township 21 North, Range 23 East, thence North along the west boundary of Section 7 to the SE corner of Section 1, Township 21 North, Range 22 East, thence west along the South boundary of Section 1 to the NE corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, Township 21 North, Range 22 East, thence South to the SE corner of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, thence West to the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, thence south along the East boundary of the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 12, to its intersection with the highwater line of Lake Martin, thence Southerly, westerly and northerly along highwater line to its intersection with a point 660.0 feet East of the West boundary of Section 12, thence North and parallel with West boundary Section 12 approximately 900 feet to the South Boundary of Section 1, Township 21 North, Range 22 East thence west to the SW corner of Section 1, thence North along west boundary of Section 1 to the East-west $\frac{1}{2}$ Section line of Section 1, thence East to the West boundary of Section 6, Township 21 North, Range 23 East, thence North along the West boundary of Section 6, Township 21 North, Range 23 East and the west boundary of Section 31 and Section 30, Township 22 North, Range 23 East to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 24, 1977.

Time: 1:00 P.M.

Act No. 645

S. 728—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Shelby,

Stewart, Teague, Vacca, Waldrop,
Wilson

AN ACT

To provide for establishment and operation of an Alabama Music Hall of Fame Board, and to prescribe its powers and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be created and established as herein provided a board to be designated and known as the Alabama Music Hall of Fame Board. The board shall be composed of seven members who shall be appointed by the Governor of Alabama for terms of six years each, provided that of the first members appointed, two shall serve for two years and two shall serve for four years, as the Governor may direct. One board member shall be appointed from each congressional district in the state. The members of the board shall select a chairman and vice chairman from among their own number. Members of the board shall not be compensated for their services, but each member shall be entitled to reimbursement for expenses incurred in attending board meetings. The board shall meet quarterly and at such other times as its rules and by-laws may prescribe. A majority of the members shall constitute a quorum for transaction of business.

Section 2. The board shall be domiciled within Colbert County, Alabama, where it shall maintain such halls, rooms or quarters as may be considered suitable and appropriate for conducting its affairs. The board may appoint an executive secretary or director and such staff as may be necessary for the performance of its duties and functions.

Section 3. It shall be the function and main purpose of the board to honor those, living or dead, who, by achievement or service, have made outstanding and lasting contributions to music in Alabama or elsewhere. The board may adopt such rules, regulations, and by-laws as may be needed to carry out its functions. Also, it may conduct surveys and polls and may appoint such committees and representatives as it may determine necessary or desirable.

The board may acquire suitable quarters to be used by the board for the display of busts, statues, plaques, books, papers, pictures and other exhibits relating to music and musicians.

Section 4. The board may solicit and accept donations, contributions and gifts of money and property, and all gifts made to the board shall be exempt from all taxation in Alabama. All property, money, income, resources, and activities of the board shall likewise be exempt from taxation.

Section 5. The board may spend all legislative appropriations made for the use of the board and may expend funds donated or contributed for its support.

Section 6. There are no State funds appropriated for the expenses and implementation of this Act.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 646

S.J.R. 354—Mitchell

SENATE JOINT RESOLUTION

COMMEMORATING THE LATE C. W. CLAYBROOK OF LUVERNE, ALABAMA.

WHEREAS, the Alabama Legislature recognizes with deep gratitude the many outstanding contributions to the youth of our state by the late Professor C. W. Claybrook of Luverne, Alabama; and

WHEREAS, C. W. Claybrook, who died on July 10, 1976, at the age of 71 years, was a native of New Site, Tallapoosa County, Alabama, one of eight children of Mr. and Mrs. R. W. Claybrook, four of whom were teachers who spent all their tenures in the school systems of Alabama; he is survived by his wife, Ruby Claybrook, who was a teacher for forty-two years; two of their four children also were teachers and one son, Clint Claybrook, is a distinguished member of the Capitol Press Corps; and

WHEREAS, Professor Claybrook, who received both his undergraduate and Master's degrees from Auburn University, was a teacher and principal and, intermittently, a coach for a period of thirty-eight years; he taught at Kellyton, Equality, Weogufka and at several other locations and spent nearly thirty years as principal at Cragford, Dozier, Evergreen and Luverne, taking pride in presenting high school diplomas to hundreds of young Alabamians, including his own four children; and

WHEREAS, his years in Luverne were acknowledged years

of crises; the issue of integration was at its height, yet C. W. Claybrook accepted and piloted his responsibilities through that difficult period of time, while earning the respect of both proponents and opponents of the integration of the Crenshaw County School System; and

WHEREAS, on one occasion in Evergreen, when teachers were being urged to strike over proration, he rose to state that, "I am a teacher. That is my work and it's the children we work for. Strike if you will but, as for me, I'll work, pay or no pay."; the strike movement broke up, and Professor Claybrook's words are but an example of his deep sense of dedicated responsibility to duty; and

WHEREAS, he had tremendous and impressively beneficial impact on all the young people who came under his tutelage and principalship; he was an outstanding educator who was highly dedicated to his teaching profession and deeply motivated to instill in the youth of our state those ideals of justice and fair play which we all seek to achieve; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commemorate the memory of the late C. W. Claybrook and direct that copies of this resolution be sent to his wife and their children that they may know of our deep appreciation for the dedicated service in the field of education by their late husband and father.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 647 S.J.R. 356—Bank, McDonald (A), Shelby

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. WALTER B. JONES,
FORMER STATE GEOLOGIST.

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Dr. Walter Bryan Jones on May 3, 1977, at his home in Huntsville, Alabama, at the age of 82; and

WHEREAS, Dr. Jones, who was a native of Huntsville, was a recognized geological authority and served as state geologist for 34 years from 1927 until his retirement in 1961; and

WHEREAS, he was awarded an undergraduate degree from the University of Alabama in 1918, without examination,

due to his outstanding scholastic record, also received his Master's Degree from the University of Alabama and received his doctorate in geology from John Hopkins University; he worked in Mexico for the Mexican Eagle Petroleum Corporation, was an instructor at the University of North Carolina, returned to his native state in 1924 to work as assistant state geologist with Dr. Eugene Alan Smith, state geologist, and assumed that position himself in 1927; he also served as supervisor of the Alabama Oil and Gas Board and had been in that position for five years when oil was first discovered in Alabama in 1944; and

WHEREAS, Dr. Jones was an amazing prophet in the development of the natural resources of this state, predicting the discovery of many mineral and ore deposits in this state, and particularly predicting the discovery of large deposits of oil and gas in South Alabama, long before the actual events; and

WHEREAS, Dr. Jones has given much to this nation, having served in the U. S. Army, Corps of Engineers, with valor and honor in World Wars I and II and his eldest son, Nelson, was killed in action in World War II; and

WHEREAS, Dr. Jones was steadfastly and unselfishly dedicated to the pursuit of his profession, after using his own money to feed deserving colleagues during the depression of the 1930's, and to preserve and restore Indian burial grounds, particularly those at Moundville State Park near Tuscaloosa; and

WHEREAS, he had been a director of the Alabama Museum of Natural History, president of the American Institute of Mining and Metallurgical Engineers, a charter member of the Society of American Military Engineers, a vice president of the Southeastern Geological Society, a fellow in the Geological Society of America and the American Association for the Advancement of Science, and a life member of the National Speleological Society and the American Geophysical Society; he further authored innumerable publications related to his field; and

WHEREAS, he was a lifetime sportsman and loved the great outdoors, working hard to further and promote the goals and projects of Ducks Unlimited; he was one of the first directors of the Alabama Department of Conservation in 1939 and 1940; and

WHEREAS, he was always engaged in many charitable and civic projects giving generously of his time and many talents, and was a member of many civic and charitable organi-

zations including the Masons, Kiwanis Club, and was an Elder in the Presbyterian Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Dr. Walter B. Jones, a man of uncommon ability and rare generosity of heart and spirit, and extend our most heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Hazel Phelps Jones, his sons, Warren Jones and Dr. Douglas Jones, that they may know of our deep regret in the loss of their husband and father who was one of the truly great citizens of this Sovereign State.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 648 S.J.R. 359—Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Roberts, St. John, Stewart, Teague, Vacca, Waldrop, Wilson

SENATE JOINT RESOLUTION

ON THE RETIREMENT OF MISS ALTA CHAPMAN PATTON.

WHEREAS, Miss Alta Chapman Patton has made known her desire to retire on May 31, 1977, after thirty-eight years of state service, over twenty-nine of which have been continuously with the Legislative Reference Service where she is Chief Analyst in charge of training new analysts; and

WHEREAS, Miss Patton, being the daughter of the late Mr. and Mrs. Wayne Patton of Livingston, Alabama, where her father was a prominent attorney, attended Livingston State Teachers' College for two years, was later graduated with a B.A. degree with a major in French from the University of Alabama, subsequently received her LL.B. degree from Jones Law School and was admitted to the Alabama State Bar in 1948; and

WHEREAS, Miss Patton's wealth of knowledge, wide experience, fabulous memory, and depth of perception in the many facets of law, particularly in constitutional law, have won for her the high respect of three decades of legislators and fellow attorneys throughout this state who have so often sought and been willingly given the benefit of her advice; and

WHEREAS, Miss Patton's meticulous care in the drafting of sound, viable legislation, her insistence on the accuracy of details, her unselfishness in giving freely of her time and efforts to her colleagues and her ability to maintain her good humor under mounting pressures have earned for her the love and admiration of her co-workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama is, and for years to come will be, deeply indebted to Alta Chapman Patton for her outstanding services. Her background of knowledge coupled with her ability to use it, her undaunted courage and her generosity of spirit will be long remembered and deeply appreciated.

RESOLVED FURTHER, That we wish for Miss Patton many years of retirement which she so richly deserves and assure her that she will always occupy a very special place in our hearts and minds.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 649 H. 449—Pegues, White, Falkenburg, Cooper,
 Killian

AN ACT

To repeal Act No. 641, Regular Session 1976, which prohibited the transfer of assets to meet eligibility requirements for medicaid.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 641 passed in the Regular Session of the 1967 Legislature of the State of Alabama is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 650 H. 1013—Gafford, White, Falkenburg, Biddle,
Waggoner, Armstrong, Moore (O),
Andrews, Hopping, Boles

AN ACT

To amend further Section 18 of Act No. 403, H. 330, 1971 Regular Session (1971 Acts, p. 689), relating to the registration and licensing of barbers and barber apprentices, so as to add Jefferson County to the list of counties to which this Act does not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 18 of Act No. 403, H. 330, 1971 Regular Session, (Acts 1971, p. 689), is hereby amended to read as follows:

“Section 18. The provisions of this Act shall not apply to Clay, Talladega, Conecuh, Wilcox, Baldwin, Lowndes, Sumter or Jefferson Counties.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 651

H. 1098—Jolly

AN ACT

To alter, rearrange, extend and redefine the boundaries and corporate limits of the City of Warrior in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Public good requires that the boundary lines and corporate limits of the City of Warrior in Jefferson County, Alabama are hereby altered, rearranged, extended and redefined so as to include within such corporate limits of said City all territory now within such corporate limits and also certain other additional and adjacent territory in said County as follows:

The S. $\frac{1}{2}$ of Section 12, Township 14, Range 3-W.

The S. W. $\frac{1}{4}$; and the W. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of Section 7, Township 14, Range 2-W.

The N. W. $\frac{1}{4}$; the W. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$; and the N. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 18, Township 14, Range 2-W.

All of the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 26, TP-14, R-3W lying E of the center line of the abandoned right-of-way of the L & N Railroad, except for that portion of said tract presently lying in the corporate limits of the City.

All of that portion of the S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ and that portion of the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 26, TP-14, R-3W, which lies E. of Old U. S. Highway 31 and W. of the center line of the abandoned railroad right-of-way.

The S. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ and that portion of the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ which lies E of the center line of the abandoned right-of-way of the L & N Railroad of Section 26, TP-14, R-3W.

That portion of the S. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$; of S. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$; and S. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 26, TP-14, R-3W which lies N and W of the Warrior River and E. of the center line of the abandoned right-of-way of the L & N Railroad.

That portion of the N. W. $\frac{1}{4}$ of Section 25, TP-14, R-3W, which lies N and W of the Warrior River.

That portion beginning at S. W. Corner of N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ Section 26 TP-14, R-3W, running N. along W. line 178.76 ft. thence E and parallel with the N line of said $\frac{1}{4}$ $\frac{1}{4}$ Section 236.65 ft. to center line of public road, thence angle right 96 degrees 45 minutes in southerly direction and along said center line of road 180 feet, thence W. and parallel with N. line of said $\frac{1}{4}$ $\frac{1}{4}$ section 257.8 ft. to a point of beginning.

That portion commencing at the S. W. Corner of N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, of Section 26, TP-14, R-3W, thence E along S. line of said N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ 257.8 ft. to a point of beginning, being a point in the center line of a public road which runs in a northerly-southerly direction thence continuing along said southern line easterly 208.71 ft., thence N. 208.71 thence W to a point in the center line of said public road, thence S. along center line of public road to point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 652

H. 1177—Drake, Sonnier

AN ACT

To provide for the licensing and regulation of bachelor social workers, graduate social workers, certified social workers, and social workers certified for independent practice; to establish and define the duties and powers of the State Board of Social Work Examiners; to make violation of this Act a misdemeanor and prescribe a penalty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. PURPOSE

It is hereby declared to be the public policy of this state and the purpose of this act to protect the public by setting standards of qualification, education, training, and experience for those who seek to engage in the practice of social work and to protect the public by promoting high standards of professional performance for those engaged in the profession of social work, holding themselves forth as social workers.

Section 2. DEFINITIONS

As used in this Act, the following words and terms shall have the following meanings:

“Board” means the State Board of Social Work Examiners established under this Act.

“Social work” means the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning, and of preventing or controlling social problems altering societal conditions as means towards enabling people to attain their maximum potential.

“Social work practice” means the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; counseling with individuals, families, and groups, helping communities or groups provide or improve social and health services, engaging in research related to those ends and principles, and administering organizations and agencies engaging in such practice. The practice of social work requires knowledge of human development and behavior; of social, economic, and cultural institutions; and of the inter-action of all these factors.

“Social work speciality” means a defined area of social work practice recognized and approved by the Board of Social Work Examiners.

“Social work method” is an orderly, systematic mode of practice and procedure recognized and approved by the Board of Social Work Examiners. This includes but is not limited to

social casework, social group work and community organization.

"Full time social work" is defined as 35 hours per week. Part time social work is defined as at least 10 hours per week or more and will be considered equivalent to full time social work on a pro rata basis as determined by the Board.

Section 3. PRACTICE OF SOCIAL WORK

(A) After 18 months from the effective date of this Act, no person may engage in the practice of social work, holding himself forth as a "social worker", a "licensed bachelor social worker", a licensed graduate social worker", or a "licensed certified social worker", unless that person is so licensed under this Act or excluded according to its provisions.

(B) Each person licensed under this Act as a licensed bachelor social worker must receive continuing supervision from a licensed graduate social worker or a licensed certified social worker in order to engage in the practice of social work.

(C) Nothing in this Act shall be construed to prevent qualified physicians, surgeons, psychologists, psychotherapists, attorneys, marriage counselors, family counselors, school counselors, or members of the clergy or any other individual from doing work within the standards and ethics of their respective professions and calling, provided they do not hold themselves out to the public by any title or description of service as being engaged in the practice of social work. Any group already licensed under state law shall be exempt from the provisions of this Act. Neither shall students enrolled in recognized programs of study leading to social work degrees be prevented from practicing social work, provided that their practice is performed under the supervision of a licensed certified social worker, or one who meets the qualification for licensing as a certified social worker as defined in this Act.

(D) Nothing contained herein shall prohibit licensed certified social workers from practicing social work as partners, or in groups, or from pooling fees and money received either by the partnerships or groups or by the individual members thereof for professional services furnished by any individual licensed certified social worker, member or employee of such partnership or group, nor shall those constituting the partnership or groups be prohibited from sharing, dividing or apportioning the fees and monies received by them or by the partnership or group in accordance with partnership or other agreements; provided that the certificate for doing business shall have been filed pursuant to law.

(E) Licensed certified social workers shall be permitted to form professional associations to operate in the practice of

social work according to Alabama law.

(F) Nothing contained herein shall prohibit a merit system or civil service employee who is employed in a social work position whose qualifications are established or determined by a regulatory board, pursuant to state or federal law, from engaging in the practice of social work.

Section 4. REPRESENTATION TO THE PUBLIC AS SOCIAL WORKER

(A) After 18 months from the effective date of this Act, no person may represent himself as a social worker by using the title "social worker", "licensed bachelor social worker", "licensed graduate social worker", or "licensed certified social worker", or any other title that includes such words, or by adding the letters "SW", "LBSW", "LGSW", or "LCSW", unless licensed under this Act or excluded according to its provisions.

(B) After 18 months from the effective date of this Act, no public or private agency, organization, or health facility may use the term "social worker", "licensed bachelor social worker", "licensed graduate social worker", or "licensed certified social worker" to apply to a person unless that person is so licensed under this Act or excluded according to its provisions.

(C) After 18 months from the effective date of this Act, nothing contained herein shall prohibit a merit system or civil service employee who is employed in a social work position whose qualifications are established or determined by a regulatory board, pursuant to state or federal law, from representing himself as a social worker by using the title "social worker".

Section 5. LICENSING OF SOCIAL WORKERS

(A) The State Board of Social Work Examiners shall issue a license as a "licensed bachelor social worker", a "licensed graduate social worker", or a "licensed certified social worker" to an applicant who:

1. Is at least 19 years of age;
2. Has paid an initial examination fee established by the Board;
3. Has passed an examination prepared by the State Board for that purpose;
4. Has ascribed to a professional code of ethics developed and adopted by the board;
5. Meets the following additional requirements for the level at which they are applying to be licensed:

(a) Bachelor Social Worker—(1) has a baccalaureate degree from an accredited college or university including completion of a social work program approved or accredited by the Council on Social Work Education; or (2) for a period of six years from the effective date of this Act, an applicant may be licensed who: has a baccalaureate degree from an accredited college or university and has successfully completed two years of full time continuous employment in a social work position under supervision approved by the Board.

(b) Graduate Social Worker—has a master of social work or a doctor of social work from a college or university approved or accredited by the Council on Social Work Education.

(c) Certified Social Worker—(1) has a master of social work or a doctor of social work from a college or university approved or accredited by the Council on Social Work Education; and (2) has had at least two years of post master or doctorate experience in the practice of social work under the supervision of a Licensed Certified Social Worker.

(B) The license shall be displayed in the licensee's principal place of practice, and shall entitle the licensee to hold himself forth to the public as providing services as authorized by this Act.

Section 6. EXEMPTION FROM REQUIREMENTS AND INITIAL LICENSING PROCEDURES AND FEES

(A) From the effective date of this Act until 18 months hence, the Board shall receive applications from individuals, such applications being duly notarized and sworn, and which outline the applicant's eligibility for licensure under the criteria specified in either Subsection (1) or Subsection (2) or Subsection (3) of this section of the Act, accompanied by an initial application fee of \$50.00 in the form of a certified check made payable to the Alabama State Board of Social Work Examiners; and upon review and necessary verification of the applicant's sworn statement said Board shall issue a license as a "licensed bachelor social worker", or a "licensed graduate social worker", or a "licensed certified social worker" to an applicant who meets the following requirements for a level of licensure provided that any person seeking licensure under this section shall make application within four (4) months of the date he first becomes eligible for licensing under this section and provided that such application is received by the Board and such eligibility occurred within 18 months from the effective date of this Act.

(1) Bachelor Social Worker—an applicant who holds a baccalaureate degree from an accredited college or university

and who satisfies the Board that he is presently employed in a full time social work position.

(2) Graduate Social Worker—(a) an applicant who holds a master of social work or a doctor of social work from a college or university approved or accredited by the Council on Social Work Education; or (b) an applicant who has successfully completed one semester of social work education in a graduate school of social work approved or accredited by the Council on Social Work Education and who satisfies the Board that he is and has been actively engaged, for at least five (5) consecutive years of full time employment in the practice of social work.

(3) Certified Social Worker—an applicant who holds a master of social work or a doctor of social work from a college or university approved or accredited by the Council on Social Work Education and who is and has been actively engaged, for at least two (2) consecutive years of full time post master or doctorate employment in the practice of social work.

(B) Upon receipt of an application from a person who holds a valid social workers license from another state of the United States which requires standards equivalent to Alabama's for section 5(A) of this Act, except that he or she has not paid the examination fee or passed the examination prepared by the Board, accompanied by the initial license fee, the Board shall issue a license as a "licensed bachelor social worker", or "licensed graduate social worker", or "licensed certified social worker" to the applicant therefor.

(C) All renewals and renewal fees of licenses initially issued under this section shall be in accordance with Section 12.

(D) Individuals licensed under this section shall be exempt from any examination provided for in Section 5, Subsection A, item 3.

(E) Any person who meets the following hereinafter listed conditions shall be issued a certification as a "Licensed Certified Social Worker" without a written examination by the State Board of Social Workers, notwithstanding any other provision of this act. The conditions to be met are as follows:

(1) Possess a baccalaureate degree from an accredited college or university.

(2) Completed a minimum of six (6) quarter hours at an approved graduate school of social work on or before the first (1st) day of January, 1960.

(3) Completed a minimum of six (6) years of full con-

tinuous employment in a social work position under supervision approved by the Board or seven (7) years of full continuous employment with a public or quasi public agency in the State of Alabama on or before May 1, 1977. Any person meeting the above conditions shall upon application to the State Board of Social Work Examiners and the payment of fifty dollars (\$50), be issued certification as a "Licensed Certified Social Worker." Nothing in this act shall override the provision of this paragraph.

Any person who holds a master of social work degree or a masters degree in Vocational Education from an approved college or university plus one year experience or its equivalent shall be granted the title of Graduate Social Worker if said person has completed the hereinafter mentioned requirements in this paragraph on or before December 30 1977, upon application to the State Board of Social Worker Examiner and the payment of the fee of fifty dollars (\$50). Nothing in this act shall override the provisions of this paragraph.

Section 7. PRIVATE INDEPENDENT PRACTICE OF SOCIAL WORK

After one year from the effective date of this act, no person may engage in the private independent practice of social work unless he is:

(A) Licensed under this Act as a licensed certified social worker; and

(B) has a doctorate or masters degree from a school of social work approved or accredited by the Council on Social Work Education; and

(C) has had 2 years full-time or 3 years part-time post graduate experience under appropriate supervision in the specified social work method or 4 years full-time or 5 years part-time post graduate experience under appropriate supervision in the speciality in which the applicant will practice.

(D) has passed an examination prepared by the Board for this purpose except that prior to the time that an examination is prepared by the Board for this purpose, no person who otherwise meets the requirements of this section will be prohibited from engaging in the private independent practice of social work; and

(E) has been issued by mail a certified letter of certification stating his qualification for private independent practice by the Board; and

(F) has paid an initial certification fee set by the Board.

Section 8. BOARD OF SOCIAL WORK EXAMINERS

(A) There is hereby created an Alabama Board of Examiners in Social Work which shall consist of seven (7) members appointed by the Governor. No person shall be excluded from serving on the Board by reason of race, sex, or national origin. Four (4) members shall be "licensed certified social workers" under the provisions of this Act, who have rendered service, education or research in social work. Two (2) members shall be "licensed graduate social workers" under the provision of this Act, who shall have rendered service, education or research in social work. One (1) member shall be "licensed bachelor social worker" under the provisions of this Act who has rendered service, education or research in social work. Initial members shall be persons eligible for licensing as provided by this Act and no member may serve more than 4 consecutive years.

(B) Members shall be appointed within ninety days after the effective date of this Act from a list of names of qualified persons submitted by any interested parties. The Governor may request the submission of additional names.

(C) The term of office of each member of the Board shall be for three years; provided, however, that of the members first appointed, two shall be appointed for terms of two years, two for terms of three years, and three for terms of four years.

(D) Appointments to fill vacancies caused by a reason other than the expiration of a member's term shall be for the duration of the unexpired term and shall be made by the Governor from a list as described in subsection (B) of this section. Such Board vacancies shall be publicized at least 30 days prior to replacement for the acceptance of new nominations.

(E) Persons who are employed by the State of Alabama and who are subject to the merit system shall not be prohibited from serving on the Board provided that person meets all other qualifications as a member of the Board.

(F) Members of the Board can be removed from office for cause in the manner provided by the statutes of Alabama for removal of public officials who are not subject to impeachment.

(G) Compensation for members of the Board shall be limited to travel and per diem not to exceed the prevailing rate paid state employees, but the expense is not to exceed the amount derived in fees for licenses and fines.

(H) The Board shall organize upon appointment and qualifications of its members, and shall elect annually from its mem-

bership a chairman, vice-chairman, and a secretary. The Board shall meet twice each year and as frequently as it deems necessary at such times or places as the Board designates. Additional meetings may be held upon call of the chairman or upon the written request of four members of the Board. Four members of the Board shall constitute quorum. All members of the Board must be notified in writing at least five (5) days prior to all meeting dates.

(1) In addition to the duties set forth elsewhere in this Act, the Board shall:

1. Recommend modifications and amendments to this Act;
2. Recommend to the appropriate district attorneys, prosecutions for the violations of this Act, after and only after alleged violator has been notified of such violation or violations having been given 90 days to disclaim, amend, and rectify allegation.
3. Annually publish a list of the names and addresses of all persons who are:
 - a. "Licensed bachelor social workers", "licensed graduate social workers", and "licensed certified social workers" under this Act.
 - b. Eligible to engage in the private independent practice of social work under this Act.
4. Establish fees for initial examination, licensure, certification and renewal thereof.
5. Establish requirements and standards for continuing education.

In establishing such requirements the Board shall consult with those groups and organizations which represent both the levels of practice specified in this Act and the various settings in which social work is practiced. Furthermore in developing such requirements, the Board shall consider, but shall not be limited in its consideration, agency recognized staff development programs under the auspices of public agencies; continuing education programs offered by colleges and universities having social work programs approved or accredited by the Council on Social Work Education; and continuing education programs offered by recognized state and national social work bodies.

6. Promulgate rules and regulations that set forth professional standards for "licensed bachelor social workers", "licensed graduate social workers", and "licensed certified social workers" who are certified for the private independent practice

of social work. Those proposed rules and regulations shall be published at least thirty (30) days prior to public hearing relative to the proposed rules and regulations, and at least fifteen (15) days in advance of such hearing the Board shall publish notice of the date, time, and place where such public hearings of the Board will be held for the purpose of adopting or amending rules and regulations pertaining to this Act.

Section 9. GROUNDS FOR DISCIPLINARY PROCEEDINGS

The State Board after a hearing, may refuse to renew, may suspend, or may revoke any license issued under this Act upon proof that the person has engaged in unprofessional conduct within the last five (5) years, including, but not limited to:

- (A) Conviction of a felony;
- (B) Habituation or addiction to habit-forming drugs, either of which impairs the ability to perform his or her work;
- (C) Conviction of fraud or deceit in connection with services rendered as a social worker licensed under this Act, or in establishing qualifications under this Act;
- (D) Aiding or abetting a person not licensed under this Act who is falsely representing himself as a social worker, licensed under this Act;
- (E) Failing to be relicensed and continuing to repress himself or herself as licensed after the expiration of his or her license;
- (F) Being found guilty of unprofessional conduct by the rules established by the Board.

Section 10. DISCIPLINARY PROCEEDINGS

The following procedure will apply to revocation and suspension hearings and to judicial review of these hearings:

- (A) Hearing are to be conducted by a five-person panel of the Board with recommended decisions to be by majority vote of the panel;
- (B) Reasonable notice (20 days minimum) of charges to be served personally or by registered mail;
- (C) Stenographic record of proceedings;
- (D) The "licensed bachelor social worker", "licensed graduate social worker", or "licensed certified social worker" licensed under this Act whose license is subject to suspension or revocation is entitled to:

1. The presence of counsel at the hearing at his expense;
2. The right to cross examination of witnesses;
3. The right to call witnesses on his own behalf;
4. The right to subpoena witnesses and documents.

(E) Any person affected by the action of the Board in refusing his application or suspending or revoking his license, or any other action of the Board, may appeal the action of the Board by filing a petition within thirty (30) days thereafter in the circuit court in the county where the person resides or in the circuit court of Montgomery County, Alabama, and the court is vested with jurisdiction and it shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Board and the attorney representing the Board. The court in which the petition of appeal is filed shall determine whether or not a cancellation or suspension of a license shall be abated until the hearing shall have been consummated with final judgment thereof or whether any other action of the Board should be suspended pending hearing, and enter its order accordingly, which shall be operative when served upon the Board, and the court shall provide the attorney representing the Board with a copy of the petition and order. The Board shall be represented in such appeals by the district attorney of the county or the attorney general, or any of their assistants. The Board shall initially determine all facts, but the court upon appeal shall set aside the determination of the Board if the Board's determination:

- (1) is not based upon substantial evidence upon the entire record;
- (2) is arbitrary or capricious;
- (3) is in violation of statutory requirements; or
- (4) was made without affording the licensee or applicant due process of law.

(F) The Board may, in its discretion, seek an injunction against any person engaged in violation of this Act.

Section 11. RENEWAL OF LICENSES

(A) All licenses and certificates shall be effective when issued by the State Board.

(B) All licenses and certificates issued by the Board shall expire on the last day of the month in the calendar year that is exactly two years from the calendar year and month in which the license or certificate is issued.

(C) A license or certificate may be renewed by the payment of the renewal fee set by the Board and by the execution and submission on a form provided by the State Board of a sworn statement by the applicant that his license or certificate has been neither revoked nor currently suspended.

(D) At the time of license renewal each applicant shall present satisfactory evidence that in the period since the license was issued, such applicant has completed the continuing education requirements specified by the Board. At the time of license renewal, the Board may, in its discretion, waive the continuing education requirement upon a showing by an applicant that prolonged illness or other extenuating circumstances prevented completion of such requirement. A waiver shall not be granted to any applicant twice in succession.

(E) The application for renewal must be made with 60 days after the expiration of the license or the termination of the period of suspension.

SECTION 12. FEES

(A) After 18 months from the effective date of this Act, the initial fee for a license shall be at least \$50.00 and the fee for renewal thereof shall be at least \$25.00.

(B) All fees collected pursuant to this Act shall be non-refundable and shall be deposited in the state treasury to the credit of the Alabama Board of Social Work Examiners and shall constitute a separate fund to be disbursed as prescribed hereinafter in subsection (C) of this section.

(C) For the purpose of carrying out the objects of this Act, and for the exercise of the powers herein granted, the Alabama Board of Social Work Examiners shall have the power to direct the disbursement of the separate fund created by subsection (B), above, which shall be paid on warrant of the state comptroller upon certificate or voucher of the secretary of the Board, approved by the president or vice-president of the Board. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940, and only in amounts as stipulated in the general appropriation bill; and such amounts shall not exceed the amount in the separate fund established by subsection (B) of this section.

(D) The Board may accept contributions and bequests from individuals, organizations and corporations and must expend these funds to carry out the purpose of this Act. Records of receipts and expenditures of such funds shall be made available to Examiners of Public Accounts upon request.

Section 13. REPEALER

All laws or part of laws which conflict with this Act are repealed.

Section 14. SEVERABILITY CLAUSE

The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. EFFECTIVE DATE

This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 653

H.J.R. 576—Greer

HOUSE JOINT RESOLUTION**HONORING PAMELA RHODES FOR WINNING THE STATE SPELLING BEE.**

WHEREAS, Miss Pamela Rhodes of Florence, Alabama, recently won the 50th annual Alabama Spelling Bee Contest held in Birmingham, Alabama, successfully spelling the word "doldrum"; and

WHEREAS, the talented eighth-grader from Wilson High School of Florence, Alabama, competed in the Alabama Spelling Bee four consecutive years from 1974 to 1977, placing 22nd in 1974, 8th in 1975, and successfully winning this year in a competitive field of 53 statewide contestants; and

WHEREAS, Pamela, the daughter of Mr. and Mrs. Alfred Rhodes, will compete in the National Spelling Contest in Washington, D. C., to be held June 7-11 of this year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Miss Pamela Rhodes for winning the 50th annual Alabama Spelling Bee Contest and wish her the very best of luck in the upcoming National Competition.

RESOLVED FURTHER, That a copy of this resolution be sent to Miss Rhodes.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 654

H.J.R. 577—Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING MRS. AVOLINE LECROY, NEWLY ELECTED 2ND LIEUTENANT GOVERNOR, DISTRICT II, PILOT INTERNATIONAL

WHEREAS, The Legislature of Alabama has noted the election of Mrs. Avoline LeCroy as 2nd Lieutenant Governor, during the annual convention of District II, Pilot International, held April 22-24, 1977, in Birmingham, Alabama; and

WHEREAS, Mrs. LeCroy of Clanton, Alabama, who has been a pilot since 1951, has served her club as President, Vice President, Secretary-Treasurer and Director, and in 1975, was chosen Clanton's Most Outstanding Pilot of the Year; she has served on the District level as Internal Affairs Division Co-ordinator, Patriotic Emblems Chairman and Mass Media Co-ordinator; and

WHEREAS, in addition to the many responsibilities associated with her active involvement in the Pilot Club, an international civic and service organization of executive business and professional women, Mrs. LeCroy also has contributed immeasurably in other of the civic, charitable and religious areas of her community and county; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Mrs. Avoline LeCroy for outstanding service to her community; we further congratulate her on being elected 2nd Lieutenant Governor, District II, Pilot International, and direct that a copy of this resolution be sent to her as a token of our esteem.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 655

H.J.R. 579—Starkey

HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC DEATH OF JOHN H. NEWMAN, III.

WHEREAS, the Legislature of Alabama, regretfully and with a sense of deep shock, has learned of the tragic and untimely death of John H. Newman, III, who recently was killed in an unfortunate highway collision in Tuscaloosa, Alabama; and

WHEREAS, John Newman, who at the time of his death was only 22 years of age, was a native of Birmingham, grew up in Scottsboro, Alabama, and graduated from Scottsboro High School where he was active in sports, lettered in basketball, was a member of numerous school clubs and organizations and was a delegate to Boys State; and

WHEREAS, he had attended the University of North Carolina in Greensboro, and was a senior at the University of Alabama where he would have graduated in December; and

WHEREAS, this outstanding young man, who was a member of the First United Methodist Church, has exhibited throughout his short and promising lifetime a youthful and aspiring outlook and a vivacity and warmth of personality that served as an inspiration to all those whose lives he touched; he was the grandson of the late Mr. and Mrs. J. H. Newman, Sr., and is survived by his parents, Mr. and Mrs. John H. Newman, Jr., of Scottsboro; a sister, Linda Ann; a brother, Robert Randolph; and his grandparents, Mr. and Mrs. R. E. Bates of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the tragic death of John H. Newman, III, and direct that copies of this resolution be sent to his family that they may know of our most heartfelt sympathy in their time of such deep sorrow.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 656

H.J.R. 602—Hall, Boles

HOUSE JOINT RESOLUTION

COMMENDING MRS. JO MARSHALL, SPONSOR OF PI PI CHAPTER OF PHI THETA KAPPA AND ADVISOR FOR THE ALABAMA REGION OF PHI THETA KAPPA

WHEREAS, Mrs. Jo Marshall has served as sponsor of Pi Pi Chapter of Phi Theta Kappa for Jefferson State Junior College since 1970, and advisor for the Alabama Region of Phi Theta Kappa since 1972; and

WHEREAS, under her leadership, Pi Pi Chapter in competition with over five hundred chapters throughout the nation has won outstanding national recognition for excellence in scholastic pursuits, local and national activities, and service to school and community, for the preceeding five years; and

WHEREAS, Mrs. Marshall's dedication and devotion to the goals of Phi Theta Kappa, her interest in her students and her ability to lead them to seek excellence in their pursuits of scholarship, leadership and service was recognized by the Executive Director and National Staff of Phi Theta Kappa on April 2, 1977, when Mrs. Jo Marshall was named to the Phi Theta Kappa Sponsor's Hall of Honor; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commend Mrs. Jo Marshall for her inspiration and leadership as sponsor of Pi Pi Chapter, for her interest and commitment to junior college students, and for the honor she has brought to Jefferson State Junior College, the Alabama Junior College System, and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Jo Marshall.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 657

H.J.R. 604—Hall, Boles

HOUSE JOINT RESOLUTION

COMMENDING MISS JERI ANN BATY

WHEREAS, Phi Theta Kappa is the Junior College Scholarly Fraternity recognized since 1929 by the American Association of Junior Colleges; and

WHEREAS, The Executive Director and National Staff of Phi Theta Kappa named ten outstanding students from across the United States to be placed in Phi Theta Kappa's Hall of Honor; and

WHEREAS, Jeri Ann Baty, a member of Pi Pi Chapter of Jefferson State Junior College, because of her outstanding achievement and contribution to her chapter, her college, her community, and to National Phi Theta Kappa, was named to the Phi Theta Kappa Hall of Honor on April 2, 1977;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Jeri Ann Baty be commended for her achievement and for the honor she has brought to Pi Pi Chapter of Phi Theta Kappa, to Jefferson State Junior College, the Alabama Junior College System and the State of Alabama; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Jeri Ann Baty.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 658

S.J.R. 361—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF LOIS JEWEL MINTZ NORTON

WHEREAS, the Alabama Legislature has learned of the unfortunate death of Lois Jewel Mintz Norton of Glencoe who died in a hospital on May 14, 1977, after an extended illness; and

WHEREAS, she was a member of the First United Methodist Church of Glencoe and a devoted member of the Friendship Sunday School Class; and

WHEREAS, Lois was a loyal and devoted wife and mother; and

WHEREAS, she is sorely missed by her many friends and loved ones who will long remember her kindness and generosity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Lois Jewel Mintz Norton and express our sincerest sympathies to her husband, Ellis B. Norton; her son, Tommie Norton, Ft. McClellan; her sisters, Mrs. Carolyn Upton, Wellington, and Mrs. Geraldine Lee, Glencoe; brother, Robert D. Mintz, Wellington; parents, Mr. and Mrs. Era L. Mintz, Wellington; and future daughter-in-law, Tina Kyner, Anniston.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Ellis B. Norton, Tommie Norton, Carolyn Upton, Geraldine Lee, Robert D. Mintz, Mr. and Mrs. Era L. Mintz, and Tina Kyner.

Approved May 23, 1977.

Time: 6:00 P.M.

SENATE JOINT RESOLUTION

COMMENDING THE LADY VOLUNTEERS AT JOHN JONES ELEMENTARY SCHOOL, RAINBOW CITY, FOR THEIR WORK ON THE SAFETY PATROL, 1976-1977

WHEREAS, John Jones Elementary School has had this past school year a safety patrol composed of volunteer ladies from the P.T.A.; and

WHEREAS, JoAnne Bailey, Laura Waddell, Barbara Wadsworth, Barbara Hagan, Barbara Lane, Judy McCullars, Lois Willingham, Jessie Hilliker, Arlene Webster, Cathy Meeks, Kay Gann, Cynthia Griffin, and others generously and conscientiously gave their time to the school patrol throughout the entire school year, irregardless of weather conditions; and

WHEREAS, the efforts of these patrol ladies insured the safe arrival and departure of over 1400 students each day; and

WHEREAS, the unremitting efforts of these ladies led the Etowah County Commission to upgrade roads and intersections over which John Jones School buses traveled thus improving school safety for students; and

WHEREAS, the patrol ladies visited each classroom and instructed students on bus, bike, and motorbike safety; and

WHEREAS, this Legislature would like to pay tribute to these unselfish women who so willingly gave their time to the safety program at John Jones Elementary School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the women volunteers at John Jones Elementary School for their gallant efforts.

RESOLVED FURTHER, That a copy of this resolution be sent to each of the ladies above mentioned as well as to the Principal of John Jones Elementary School, Mrs. Doris Leftwich; the County Superintendent of Education, Mr. E. C. "Baldy" Wilson; and the Gadsden Times.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 660

S.J.R. 363—Vacca, Gilmore

SENATE JOINT RESOLUTION

COMMENDING MONROE J. BEASLEY, SR., FOR SIGNIFICANT CONTRIBUTIONS IN THE FIELD OF GOSPEL MUSIC.

WHEREAS, Mr. Monroe J. Beasley, Sr., a native of Cullman County, Alabama, has been an active realtor in the City of Birmingham for 49 years, a representative of the James D. Vaughan Music Company since 1940, and a member of numerous civic and fraternal organizations in our state; and

WHEREAS, Mr. Beasley, now eighty-one years of age, received his music training, as a youth in Cullman County, in the gospel singing schools which were conducted at that time in the rural sections of Alabama; subsequently he began writing gospel music and his first song was published and used publicly in the year 1918; and

WHEREAS, since that time he has written scores of gospel songs with most of them published and used by the gospel singing conventions throughout Alabama and the United States as well; he has traveled hundreds of thousands of miles over the past 65 years in the promotion of gospel singings, receiving much recognition and accolade from his fellow singers, and has been cited and recognized by many state governments and governors for his devotion to this art; and

WHEREAS, Monroe Beasley served as president of the Alabama State Gospel Singing Convention in 1944 and has held numerous other positions in that organization throughout the years; he also served as president of the National Gospel Singing Convention in 1950 and was the first president of this national convention to come from outside the publishing company ranks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Monroe J. Beasley, Sr., for outstanding achievement in the field of gospel music; we applaud his praiseworthy devotion and dedication to promoting this art form, countrywide, and direct that a copy of this resolution be sent to him and his wife, Stella, who has accompanied him on all his journeys and loyally supported his efforts these many years.

BE IT FURTHER RESOLVED, That copies also be sent to their children, Monroe J. Beasley, Jr., Virginia Beasley Vinson and Lila Ann Beasley Jones, as evidence of our shared pride in their illustrious father who has brought fame and honor to his native state.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 661

S.J.R. 365—Jones, Powell, Mitchell

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CECIL FRIZZLE.

WHEREAS, Mr. Cecil Frizzle, a lifetime resident of Montgomery, died on Wednesday, May 11, 1977; and

WHEREAS, Mr. Frizzle was Vice President of Hudson-Thompson, having served with the company for 52 years; and

WHEREAS, Mr. Frizzle performed admirably his responsibility for carrying on governmental relations and played an active role in state political affairs; and

WHEREAS, Cecil Frizzle was deeply involved in the social, civic and religious affairs of his community as evidenced by his membership on the Board of Stewards of the First United Methodist Church, membership on the Board of Alabama Retail Merchants Association, membership with the Montgomery Country Club and membership and past presidency of the Montgomery Lions Club; and

WHEREAS, Cecil Frizzle was the first volunteer in World War I from Sledges, Alabama, resulting in the town's name being changed to Cecil, Alabama; and

WHEREAS, he will be sorely missed by his loved ones and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the passing of Mr. Cecil Frizzle and wish to express our deepest sympathies to the members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Helen Bowdoin Frizzle.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 662

H. 843—Waggoner, Armstrong, Biddle, White

AN ACT

To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Board of Dental Scholarship Awards, Composition, Term of Office.—There is hereby created and established a board to be known as the Board of Dental Scholarship Awards which shall be authorized and required to establish scholarships to provide for and further dental training in pursuance of a dental degree, of qualified applicants for admission to the University of Alabama School of Dentistry or any other dental school in the State of Alabama accredited by the Council on Dental Education of the American Dental Association. The Board shall be composed of the Secretary of the Alabama Dental Association, who shall serve as chairman of the Board; one dentist elected from each component society of the Alabama Dental Association, whose terms of office shall be staggered, two dentists being elected for a term of one (1) year, two dentists being elected for a term of two (2) years, two dentists, being elected for a term of three (3) years, two dentists being elected for a term of four (4) years; and at the end of each term of office, successors shall be elected for a term of four (4) years; the Director of the Bureau of Dental Health of the Health Department of Alabama; the Dean of the University of Alabama School of Dentistry or his designee; and the Chairman of the University of Alabama School of Dentistry Admissions Committee.

Section 2. Annual Appropriation.—There is hereby appropriated out of the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1978, the sum of \$228,000 to the Board of Dental Scholarship Awards for the purposes set forth in this Act, which sums include the yearly figure of \$15,000 to finance and administer the scholarship loans provided for by this Act.

Section 3. Powers and Duties of Board.—The Board of Dental Scholarship Awards shall have power and authority to make reasonable rules and regulations not inconsistent with the laws of this State as may be necessary for the regulation of its proceedings and for the discharge of the duties imposed on it. Said Board shall receive and review all applications for scholarship loans and awards; shall make a careful and thorough investigation of the ability, character and qualifications of each applicant; and shall be responsible for the further administra-

tion of the scholarship program subject to the provisions of this Act.

Section 4. Types of Scholarships—The Board shall establish two (2) types of scholarships as follows:

(a) A number of loans equal to twenty percent (20%) of the number of students enrolled in the University of Alabama School of Dentistry based on the economic need and scholastic ability of the applicant, in an amount not to exceed Three Thousand Dollars (\$3,000) per annum or Twelve Thousand Dollars (\$12,000) over a four (4) year period, shall be available to any bona fide resident of Alabama of good character who has been accepted for matriculation by the University of Alabama School of Dentistry or any other educational institution accredited by the Council on Dental Education of the American Dental Association. This section shall also apply to graduate students at the discretion of the Board.

(b) A number of non-refundable merit scholarship awards equal in number to five percent (5%) of the number of students enrolled in the University of Alabama School of Dentistry in an amount not to exceed Three Thousand Dollars (\$3,000) per annum each, or Twelve Thousand Dollars (\$12,000) over a four (4) year period, shall be available to outstanding students, one-fourth ($\frac{1}{4}$) of which shall be awarded each year to members of the entering class at the University of Alabama School of Dentistry, who, in the judgment of the Board, have the highest scholastic achievement in undergraduate studies, sufficient dental aptitude, excellence of character, and other pertinent qualifications.

Section 5. Repayment of Loans; Service Contracts.—Scholarships extended under Section 4(a) of this Act shall be repaid following graduation either in cash as is provided under subsection (a) of this section or under the terms of a contract to serve in a needy area in Alabama for a term to be specified by the Board as provided in subsection (b) of this section. Any monies received from recipients in repayment of a scholarship loan under subsections (a) and (b) of this section shall upon receipt thereof be remitted by the Board of Scholarship Awards to the Treasurer of the State of Alabama for credit to the Special Educational Trust Fund.

(a) Scholarship loans to be repaid under this subsection shall be repaid to the Board of Dental Scholarship Awards in full at an interest rate of six percent (6%) per annum from the date of graduation from dental school. Payments are to be made annually, the first of which is due one (1) year after the recipient enters the practice of dentistry or one year after completion of specialty training, whichever occurs first. Repayment

in full must be completed within eight (8) years from initiation of repayment. Any recipient who fails for any reason to continue his dental education shall repay all loan amounts in accordance with terms and conditions established by the Board of Dental Scholarship Awards, provided that interest rate on such unpaid loan amounts shall be fixed at six percent (6%) per annum from date of his departure or removal from dental school.

(b) Scholarship loans to be repaid under this subsection shall be repaid by service in one of the following ways, subject to approval of the Board of Dental Scholarship Awards:

(i) Practice for a four-year period in a community of less than 5,000 population in which the dentist-population ratio is less than one to 3,000 and the community is at least 30 miles from a city of 50,000 population; provided, that said mileage requirement may be waived by the Board in its discretion in individual cases.

(ii) Practice for a five-year period in a community of more than 5,000 population and less than 15,000 population which has been deemed by the Board of Dental Scholarship Awards to be critically in need of additional dental practitioners.

(iii) Practice for a five-year period in a community of more than 15,000 but less than 100,000 population which has been deemed by the Board of Dental Scholarship Awards to be critically in need of additional dental practitioners, and repayment of one-half the loan plus six percent (6%) interest per annum in five annual payments, beginning at the end of the first year of practice.

(iv) Practice for five years in a position in Alabama Public Health or as a dentist in a state institution approved by the Board of Dental Scholarship Awards.

For loans of less than four (4) years of study (\$12,000) service repayment may be prorated on the basis of one-fourth ($\frac{1}{4}$) of the above requirements for each \$3,000. Recipients who elect a service-type repayment pursuant to one of the preceding subparagraphs (i), (ii), (iii) or (iv) shall make repayment in cash plus six percent (6%) interest per annum on a prorated basis as determined by the Board of Dental Scholarship Awards for any portion of this obligation which is not fulfilled.

Section 6. Contractual Agreement of Recipients; Penalties for Breach.—Each recipient of the scholarship loan under the provisions of this Act shall enter into a contract with the Board of Dental Scholarship Awards whereby he agrees to repay the scholarship loan in a manner prescribed by the Board not

inconsistent with any provision of this Act. Breach of contract by the recipient shall make him immediately liable for the unpaid balance of the loan and shall constitute a ground for the revocation of his certificate or license to practice dentistry in the State of Alabama. In the event of death or total and permanent disability of the recipient to engage in the practice of dentistry, repayment of the loan may be excused by the Board. The Attorney General of Alabama, upon request of the Board of Dental Scholarship Awards, shall institute proceedings in the name of the State for the purpose of recovering any amount due the State under the provisions of this Act. The proceedings to have such dentists's certificate or license revoked shall be commenced upon the written complaint of the Board of Dental Scholarship Awards to the State Board of Dental Examiners. The proceedings shall be in accordance with the provisions of Alabama law pertaining to the revocation of licenses to practice dentistry.

Section 7. Localities in Need of Dentists.—Any incorporated or unincorporated municipality or locality in the State having a population of less than 100,000 desiring additional dentists and wishing to be designated as a locality needing additional dentists, may apply to the Board of Dental Scholarship Awards to be placed on a list of localities in need of additional dentists, which shall be maintained by the Board. Such application may be made either by the municipal governing body or by a petition signed by at least one-twentieth of the qualified electors of the municipality or locality. If the Board of Dental Scholarship Awards determines that such locality is in need of dentists, it shall place the locality on the list of localities in need of dentist from which recipients of scholarships may upon graduation select an area in which to practice. In compiling and maintaining the list, the Board may place any locality thereon which in its opinion needs additional dentists.

Section 8. Repeal Provision.—Act No. 793 adopted at the Regular Session of 1965 of the Legislature of Alabama, and all other laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 9. Severability Clause.—If any part of this Act is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining part or parts hereof shall continue in effect. The provisions of this Act are hereby declared to be severable.

Section 10. Effective Date.—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 663

H. 844—Waggoner, Biddle, Armstrong, White

AN ACT

To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. BOARD CREATED.—There is hereby created a Board of Medical Scholarship Awards which is required and authorized to establish scholarships to provide for the medical training of qualified applicants for admission, or students in, the University of Alabama School of Medicine or any other accredited or provisionally accredited school of medicine, provided that recipients of Loan Scholarship Awards shall enter into a valid agreement with the Board of Medical Scholarship Awards to practice the profession of medicine in those areas and localities of Alabama as may be determined by the Board for a number of years to be stipulated in said agreement.

Section 2. COMPOSITION OF BOARD.—The Board of Medical Scholarship Awards shall be composed of three members of the Board of Censors of the Medical Association of the State of Alabama; the Executive Officer of the State Board of Health; the Dean of each school of medicine in Alabama or his designee; the Chairman of the Admissions Committee of each school of medicine in Alabama; and two members appointed by the Governor for four-year terms, one of whom shall be a member of the State of Alabama Senate and the other member of the State of Alabama House of Representatives. The terms of the legislative members shall be concurrent with their legislative terms.

Section 3. EXECUTIVE OFFICER.—The Chairman of the Board of Medical Scholarship Awards shall be a member of the Board of Censors of the Medical Association of the State of Alabama.

Section 4. DUTIES.—It shall be the duty of the Board of Medical Scholarship Awards to make a careful and thorough investigation of the ability, character, and qualifications of each applicant, and to award scholarships according to the judgment of said Board.

Preference in granting scholarship loans shall be given to applicants who sign agreements to practice in those areas in greatest need of medical service for periods of time to be stipulated by the Board.

Section 5. TYPES OF SCHOLARSHIPS.—There shall be two types of medical scholarships as follows:

(a) **SCHOLARSHIP LOANS:** A number of scholarship loans equal in number to 20% of the student body of the medical schools in the State of Alabama, each in an amount not to exceed \$3,000 per annum (or \$12,000 over a four-year period) available to any resident of Alabama of good character who has been accepted for matriculation by one of the medical schools of Alabama or other accredited school of medicine, preference being given to those applicants who can show an economic need. These loans shall be repaid following graduation, either in cash or under the terms of a contract to practice medicine in an area of Alabama for a term of years, as hereinafter set forth.

(b) **MERIT SCHOLARSHIPS:** A number of merit scholarships equal in number to 5% of the student body of the medical schools in the State of Alabama, each in an amount not to exceed \$3,000 per annum (or \$12,000 over a four-year period) shall be granted to students with high scholastic achievement and excellent character who will attend one of the medical schools of the State of Alabama. The students to whom merit scholarships are granted shall not be obligated to repay the amount of the scholarship award.

Section 6. REPAYMENT OF LOANS.—Scholarship loans extended under Section 5(a) may be repaid to the Board of Medical Scholarship Awards in cash in full with simple interest of 6% annually from the date of completion of specialty training or the date on which the recipient enters practice, whichever occurs first. Payments are to be made annually, the first annual payment being due one year after the recipient enters the practice of medicine or one year after completion of specialty training, whichever occurs first. Repayment in full must be completed within eight years from initiation of repayment. Any recipient who fails for any reason to continue his medical education may, at the discretion of the Board, be required to repay all loan amounts immediately with simple interest of 6% annually from the date of his departure or removal from medical school.

Section 7. SERVICE CONTRACTS.—The scholarship loan or any part thereof may be repaid by service in one of the following ways, subject to approval of the Board of Medical Scholarship Awards:

(a) Practice for a four-year period in a community of less than 5,000 population which has been deemed to be critically in need of additional medical practitioners.

(b) Practice for a five-year period in a community of more than 5,000 population and less than 15,000 population which has been deemed to be critically in need of additional medical practitioners.

(c) Practice for a five-year period in a community of more than 15,000 but less than 100,000 population and repayment of one-half the loan plus 6% simple interest annually in five annual payments, beginning at the end of the first year of practice.

(d) Practice for four years in a position in Alabama in Public Health or as a physician in any State institution approved by the Board of Medical Scholarship Awards.

(e) For loans of less than four years of study (\$12,000), service repayment may be prorated on the basis of one-fourth of the above requirements for each \$3,000 loan.

Section 8. AGREEMENT OF SCHOLARSHIP LOAN RECIPIENTS.—Each recipient of a Scholarship Loan under the provisions of this Act shall enter into an agreement with the Board of Medical Scholarship Awards whereby he agrees to practice in an area designated by the Board. Any breach of contract on the part of the recipient makes him immediately liable for the unpaid balance of his loan. The Attorney General, or any circuit solicitor, upon request of the Board of Medical Scholarship Awards, shall institute proceedings in the name of the State for the purpose of recovering any amount due the State under the provisions of this Act. In the event of death or total and permanent disability of the recipient to engage in the practice of medicine, repayment of the loan may be excused by the Board.

Section 9. PENALTY FOR FAILURE TO FULFILL AGREEMENT.—The failure of a recipient of a scholarship to perform his agreement with the Board of Medical Scholarship Awards or to pay the amount he is liable for hereunder shall constitute a ground for the revocation of his certificate of qualification to practice medicine. The proceedings to have such physician's certificate revoked shall be commenced upon the written complaint of the Board of Medical Scholarship Awards to the State Board of Medical Examiners. The proceedings shall be in accordance with the provisions of Section 270 through 289 of Title 46 of the Code of Alabama 1940, for the revocation of certificates for other causes.

Section 10. RULES AND REGULATIONS.—The Board of Medical Scholarship Awards shall have the authority to make reasonable rules and regulations for the carrying out of the provisions of this Act.

Section 11. APPROPRIATION AND RETURN OF UNEXPENDED BALANCES.—There is hereby appropriated \$555,000 or so much thereof as may be necessary for the fiscal year ending September 30, 1978, to the Board of Medical Scholar-

ship Awards out of the Alabama Special Educational Trust Fund, which sums include the yearly figure of \$15,000 to finance and administer the scholarships provided for by this Act. Any sums recovered by the Board of Medical Scholarship Awards from recipients of such scholarships or paid by such recipients to such Board shall be paid by such Board into the State Treasury to the credit of the Alabama Special Educational Trust Fund.

Section 12. LOCALITIES IN NEED OF PHYSICIANS — Any incorporated or unincorporated municipality or locality in the State having a population of less than 15,000 desiring additional physicians and wishing to be designated as a locality needing additional physicians may apply to the Board of Medical Scholarship Awards to be placed on a list of localities in need of additional physicians, which shall be maintained by the Board. Such applications may be made either by the municipal governing body or by a petition signed by at least one-twentieth of the qualified electors by the municipality or locality. If the Board of Medical Scholarship Awards determines that such locality is in need of physicians, it shall place the locality on the list of localities in need of physicians from which recipients of scholarships may upon graduation select an area in which to practice. In compiling and maintaining the list, the Board may place any locality thereon which in its opinion needs additional physicians.

Section 13. Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama is hereby repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time 6:00 P.M.

Act No. 664 H. 1332—Naramore, Jackson (R), Hill, Merrill, Crowe, Drake, Callahan, Kinsey, Holmes (A), White, Reed, Lee, Johnson, Turnham, Roberts, Folmar, Killian, Starkey, Smith (B), Albright, Quarles, Carter, Greer, Ford, Taylor, McCluskey, Shoemaker, Shelton, Buskey, Jackson (F), Johnstone, Barron, Wyatt, Glass, Lewis, Plaster, Cates, Venable, Baker, Whatley, Dial, Kennedy, Tucker, Cross, Sparks, Kelley, Younce, Sonnier, Harris,

McNair, McCulley, Leonard, Hopping,
Hall, Jolly, Holley, Gafford,
Moore (O), Andrews, McNees,
Armstrong, Pegues

AN ACT

To make an additional appropriation to the Office of the Attorney General from the General Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any other appropriations heretofore made, there is hereby appropriated from the State General Fund for transfer to the Office of the Attorney General the following amount for the purpose and fiscal year stated:

For the fiscal year ending September 30, 1977:

Salaries and Other Expenses\$304,881.00

Section 2. The above appropriation is in addition to any appropriation heretofore made and shall be expended subject the terms, conditions, provisions, and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 3. This Bill shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 665

H.J.R. 541—McCulley

HOUSE JOINT RESOLUTION

CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Washington County Government Study Commission which shall be composed of 7 members appointed by the Washington County Legislative delegation. In addition, the members of the Washington County Legislative delegation shall be ex-officio members of said committee.

The committee shall study all facets of county government including compensation, revenue, and road and bridge work, etc. The committee shall report their recommendations to the legislative delegation on any possible changes prior to the beginning of the next regular session, whereupon the committee shall be dissolved.

The Washington County governing body shall pay for all expenses incurred by said committee, including travel expenses incurred while studying other counties and shall furnish all needed clerical and professional help and shall give the committee access to all county records.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 666

H.J.R. 614—Howard

HOUSE JOINT RESOLUTION

COMMENDING MRS. DAISY B. DAVIS FOR 30 YEARS OF SERVICE AS A SCHOOL LUNCHROOM MANAGER.

WHEREAS, Mrs. Daisy B. Davis, the manager of the Jackson S. Abrams High School Lunch Program, has been recognized by the U. S. Department of Agriculture, the State Department of Education, and the American School Food Service Association for 30 years of dedicated service to the youth of America as a school lunchroom manager; and

WHEREAS, Mrs. Davis began service as a school lunchroom manager at the Robertstown Elementary School in 1946, the first year of the National School Lunch Program; and

WHEREAS, at that time Mrs. Davis prepared lunches in a tiny kitchen cooking on a coal stove, serving an average of 75 lunches daily to the boys and girls of the school; and

WHEREAS, Mrs. Davis, a longtime resident of the City of Bessemer, is the mother of five children and the widow of a Baptist minister; and

WHEREAS, Mrs. Davis is a dedicated church member and has served as a church musician since she was 12 years old; and

WHEREAS, Mrs. Davis continues to perform a great service to her school and her community by preparing well-balanced meals for the boys and girls to help them develop strong bodies and alert minds; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Mrs. Daisy B. Davis for 30 years of service as a school lunchroom manager.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Davis.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 667

H.J.R. 619—Holmes (A), Reed

HOUSE JOINT RESOLUTION

COMMENDING THE NATIONAL ASSOCIATION OF BLACK MANUFACTURERS, INC., FOR HOLDING THEIR ANNUAL CONFERENCE IN TUSKEGEE, ALABAMA

WHEREAS, the National Association of Black Manufacturers, Inc., is a national organization formed to promote various black manufacturers; and

WHEREAS, the National Association of Black Manufacturers, Inc., creates jobs and seeks to enhance productive industries; and

WHEREAS, the National Association of Black Manufacturers, Inc., has chosen to hold their annual conference May 17-21 in Tuskegee, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily welcome and commend the National Association of Black Manufacturers, Inc. for holding their annual conference in Tuskegee, Alabama.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 668

H. 794—Owens, Martin

AN ACT

To amend further the Title and Sections 1, 4, 6, 7, 9, 10, 11, 12, 14, 16, 23, 28 and 32½ and to repeal Section 29 of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), relating to cosmetology in any county having a population of less than 600,000 according to the

last or any subsequent federal decennial census, so as to further provide for the service area, number, compensation and expenses of members of the board; to further regulate the teaching and practice of cosmetology; and to make the act effective in all counties of the state.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Sections 1, 4, 6, 7, 9, 10, 11, 12, 14, 16, 23, 28 and 32½ of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), are hereby amended to read as follows: AN ACT To regulate the teaching and practice of cosmetology; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor; to repeal Act No. 653, General Acts 1957, Regular Session, page 981, as amended by Act No. 633, General Acts 1959, Regular Session, page 1540, which regulated the teaching and practicing of cosmetology.

"Section 1. (a) 'Cosmetology' as used in this act is hereby defined to mean any one and/or combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of beauty culturists, or cosmeticians, or cosmetologists, or hairdressers, or of any other person holding him or herself out as practicing cosmetology by whatever designation and within the meaning of this act and in/and upon whatever place or premises; and in particular cosmetology shall be defined and shall include—but otherwise not be limited thereby—the following or any one or a combination of practices, to-wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, hands, bust, or upper part of the body, or manicuring the nails of any person.

"(b) 'Cosmetologist' shall mean any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for compensation not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

"(c) 'Managing cosmetologist' shall mean a cosmetologist who manages or conducts a beauty shop or school of cosmetology.

"(d) 'Manicurist' shall mean any person who engages only in the practice of manicuring the nails of any person.

“(e) ‘Apprentice’ shall mean any person who is engaged in the learning or acquiring of any or all practices of cosmetology in a shop registered or licensed under this act.

“(f) ‘Student’ shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this act under the instruction or immediate supervision of an instructor, licensed as such under this act.

“(g) ‘Instructor’ shall mean any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology, provided, however, that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education.

“(h) ‘Student instructor’ shall mean a cosmetologist who is receiving instructions in teacher’s training in a duly registered school of cosmetology.

“(i) ‘Beauty shop’ shall mean any place or part thereof, wherein cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein. All beauty shops shall have a managing cosmetologist on duty five days a week.

“(j) ‘School of cosmetology’ shall mean any place or part thereof, wherein cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students, provided, however, that nothing contained herein shall apply to any school or class operated by a public school board of education.

“(k) ‘Place of cosmetology’ for the purpose of this act, shall mean such place wherein cosmetology is practiced on the members of the general public for compensation; and such place wherein cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, however, that any appropriate name herein mentioned may be used for either such beauty shop or for such school of cosmetology, respectively but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this act. Either of such establishments shall be entirely distinct

and separated from any living quarters, but may be housed under the same roof. If a beauty shop is conducted in a home is a zone or district in a municipality in which the display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on September 20, 1957, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subsection, provided that such exemption shall not apply if the ownership or location of the shop is changed. Each such establishment shall be entirely distinct and permanently separated from any living quarters.

"(l) 'Demonstrator' shall mean any person who is not licensed in this state as a cosmetologist or instructor and who demonstrates for purposes of selling or advertising any cosmetic preparation by applying the same with his or her hands upon the hair or body of another person, and shall be required to obtain a license from the board before making such demonstration. The requirements for the issuance of a demonstrator's license are a health card, two photographs, a notarized application and a fee as hereinafter provided for.

"(m) 'Board' as that term shall be used in this act shall mean and refer to the Alabama board of cosmetology, as hereinafter provided for.

"(n) 'Cosmetic studio' is defined as any place or premises where demonstrators give demonstrations for the purpose of advertising and selling cosmetics. It shall be necessary for any cosmetic studio to apply to the board for a certificate of registration for a cosmetic studio, said application to be upon a form prescribed by the board.

(o) "Esthetician" shall mean any person, not an apprentice or a student, who engages in any of the following specialized practices as generally recognized in the field of cosmetology: skin care, make-up artistry, facials, body waxing, and electrolysis.

(o) 'Shampoo Assistant' shall mean any person who engages only in the practices of shampooing or cleaning the hair of any person and applying temporary weekly color rinses.

"Section 4. The Alabama Board of Cosmetology shall consist of ten persons, citizens of this state for at least five (5) years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this act. Such board shall be appointed by the Governor. One member of such board shall reside in one of the following counties and shall be deemed to represent all of these counties, Mobile, Washington, Clark,

Monroe, Wilcox, Choctaw, another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Montgomery, Lowndes, Butler, Crenshaw, Pike, Covington, Conecuh, Escambia, Baldwin; another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Tallapoosa, Chambers, Lee, Macon, Bullock, Russell, Barbour, Coffee, Dale, Henry, Geneva, Houston; another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Calhoun, St. Clair, Talladega, Cleburne, Clay, Randolph, Coosa, Elmore, Autauga and Dallas; another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Jefferson, Tuscaloosa, Pickens, Bibb, Shelby, Chilton, Perry, Hale, Greene, Sumter and Marengo; another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Franklin, Marion, Lamar, Fayette, Winston, Walker, Cullman, Blount, Marshall, Etowah, DeKalb, Cherokee; another member shall reside in one of the following counties and shall be deemed to represent all of these counties—Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison and Jackson; three members shall reside in Jefferson County. The members of the board shall be at least twenty-five (25) years of age, must have had at least five (5) years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the Governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this act. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this act. Any board member may be removed by the Governor for just cause.

“The board shall publish all its rules and regulations, together with a copy of this act and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

“No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this act, but the failure of any such persons to receive the

notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement.

"Section 6. The board shall meet at such times and places as the members shall agree upon. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its acts.

"Section 7. Members of the board shall be paid \$35.00 per day for transaction of board business not to exceed fifty days during any calendar year and such board members shall also receive travel and expenses as other state employees. Such compensation and expenses shall be paid from funds derived from the operation of this act, and deposited in the state treasury to the use of the board upon requisition signed by the president and treasurer of the board and on warrant of the state comptroller. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the state treasury for the use of the Alabama board of cosmetology.

"Section 9. No person shall be admitted to examination or receive a license under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

"(a) Cosmetologist.—Except as otherwise provided for in this act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of ten grades in school and shall have served and completed the required time and studies as follows:

"1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 hours of continuous training not to exceed more than eight (8) hours in any one day;

"2. Or as an apprentice in a beauty shop for a period of not less than three thousand (3,000) hours over a minimum period of one (1) year of training not to exceed eight (8) hours in any one day; or, in either event,

"3. Shall have passed an examination to the satisfaction of the board as provided in this act.

"(b) Manicurist.—Except as otherwise provided for in this act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less

than three hundred (300) hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than three hundred (300) hours of continuous training not to exceed more than eight (8) hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this act.

“(c) Managing Cosmetologist.—Except as otherwise provided for in this act, no person may be licensed as a managing cosmetologist, unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty shop or school of cosmetology for a period of not less than one year prior to such application for a license as managing cosmetologist.

“(d) Apprentices.—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology except for 6 hours of theory training per week.

“(e) Students.—Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose. Students in beauty schools are allowed to work in beauty salons after completion of seventy percent of the total hours required in beauty school only when school is not in session. One student trainee will be allowed for the first managing cosmetologist and one additional student for each three additional licensed cosmetologists attached to its staff. Such student must be enrolled with the board and receive permit to work in beauty salon before beginning work. Fee of \$3.00 is required.

“(f) Instructors.—Except as otherwise provided in this

act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to paragraph (a) in this section hereinabove, and in addition,

"1. Shall have completed not less than 1,250 hours in a teacher's training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or

"2. Shall have not less than one (1) year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

"No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"3. Shall have an education equivalent to the completion of twelve grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology.

"Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice, and upon proper proof of qualifications, said board may issue such teacher's permit to the applicant.

"(g) Student Instructors.—Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school to the board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this act for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board the name and age of such student, his qualifications qualifying him for such course as herein provided

and the board shall cause the same to be entered in a register kept for that purpose.

(h) Esthetician.—No person shall practice as an esthetician unless such person shall pay the original licensing fee as hereinafter provided for, and shall have completed a course of study approved by the Board consisting of at least 450 hours in skin care, esthetician or facialist training, 300 hours in make-up artistry, 150 hours in body waxing and 450 hours in electrolysis, and shall have passed an examination to the satisfaction of the Board. Estheticians shall work under the direction of a managing cosmetologist. It shall not be necessary for an esthetician to be licensed as a cosmetologist as herein defined.

“The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the board, subject to such provisions as the board shall make.

“Section 10. (a) It shall be necessary for any person, firm, corporation or association to apply to the Board for a certificate of registration as a registered beauty shop or school of cosmetology, within the meaning of this Act, said application to be upon a form prescribed by the Board, and shall be accompanied by the payment of the original registration fee, as hereinafter provided for. Any beauty shop or school of cosmetology shall after the effective date of this Act fully comply with all the provisions of the Act applicable thereto, and with all the rules and regulations promulgated by the Board as hereinafter provided.

“(b) No beauty shop shall accept an apprentice unless such beauty shop be in charge of a managing cosmetologist licensed as such. Provided, further, that such shop may register one additional apprentice for each three additional licensed cosmetologists attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this Act, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the Board upon termination of such apprenticeship, the credits earned. Said instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 9, Paragraphs a and b of this Act and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization, and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this Act.

"(c) Any beauty shop registered or licensed under this Act is authorized to employ a shampoo assistant who shall be under the supervision of the managing cosmetologist, provided such person is at least 16 years of age and submits to the managing cosmetologist a certificate of health as is required by Section 12 of this Act. It is further provided that any such beauty shop that employes a shampoo assistant shall immediately file with the board the name and age of such person together with the person's certificate of health and the payment of a registration fee as hereinafter provided for. The board shall then cause the appropriate information to be entered in a register kept for that purpose.

"(d) Any person, firm or corporation teaching any or all of the practices of cosmetology, shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops having apprentices and any and all rules which may be promulgated by the Board. No school of cosmetology or beauty shop shall operate within this State unless a proper certificate of registration under this Act has first been obtained. The practice of cosmetology shall not be followed in this State except in a duly registered beauty shop or school of cosmetology except for educational purposes.

"Section 11. No school of cosmetology shall be granted a certificate of registration unless it shall employ and maintain a sufficient number of competent instructors, at least one for every twenty students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours, establish grades, and hold examinations before issuance of diplomas; and shall require a school term of training for a complete course comprising all or the majority of the practices of cosmetology as provided in Section 9(a) of this act, together with the minimum number of hours therein prescribed; and shall include practical demonstrations and theoretical studies and study in sanitation, sterilization, other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this act. Any such school that shall enroll student instructors, shall not have at any one time more than two student instructors for each licensed instructor actively engaged in such school. A school of cosmetology engaged only in the teaching of estheticians shall not be required to provide instruction in other practices.

"Section 12. Every person who desires to engage in any of the practices designated to be within the meaning of this act

shall file with the secretary of said board a written application for a certificate to practice or for an examination and license to practice, as the case may be, and as provided in this act. Such application shall be accompanied by a certificate of health giving the dates and results of a chest x-ray or skin test and a standard test for syphilis. Such tests must be made within 45 days prior to filing of the application for a certificate to practice or for an examination for a license to practice.

"Section 14. The examination of applicants for a license to practice a classified profession as designated under this act shall be conducted under rules prescribed by the said board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies on subjects as the board may determine necessary for the proper and efficient performance of such practices; and shall not be confined to any specific system or method, and such examinations shall be consistent with a prescribed curriculum for a beauty school or schools of cosmetology and the practical and theoretical requirements for the practice of cosmetology as provided by this act.

"Temporary permits will be extended until the next state board examination for persons failing the state board examination for the first time. Persons failing the state board examination for the second time must return to beauty school for 375 additional hours or train for 600 additional hours in a beauty salon and then retake both parts of the state board examination.

"Section 23. The fees for examination, licenses and certificates, as provided for in this act, shall be paid in advance to the secretary of the board, and by him paid each month into the state treasury to the credit of a fund for the use of the said board. On failure to pass an examination the fees shall not be returned to the applicant, but within the year after such failure he or she may present himself or herself and be re-examined by the payment of the re-examination fee as hereinafter provided for. No fees for licenses or permits shall be refunded after payment has been made.

"Section 28. No license issued by the board shall be for a period longer than two (2) years. All licenses shall expire on September 30 of odd numbered years. Renewal applications must reach the office of the board on or before November 1 of the odd numbered years. Applicants will be required to pay a penalty fee for each license not renewed prior to November 1. The holder of the expired certificate or license may have within three (3) years of the date of the expiration, the certificate restored upon the payment of the required renewal fees plus the penalty fee. The restoration fee shall be as follows:

The sum the accumulated renewal fees for the lapsed period, plus the penalty fee and the fee for the current year. Licenses which have expired for a period longer than three (3) years may be restored upon successful completion of the practical part of the state board examination and payment of the examination fee, plus fees for the lapsed period.

“Section 321½. This Act shall become effective in all counties unless within 6 months after the effective date of this Act a writing subscribed to by the Judge of Probate and the County governing body requesting not to come under the provisions of this Act and upon the adoption of a resolution by a majority vote of the board of revenue, court of county commissioners, or other like governing body of the county, whereby the county elects not to come under the provisions of said Act. The resolution, together with the proceedings had in connection with the passage thereof, shall be entered in the minute book of the county governing body and copies of said resolution, duly certified to by the chairman or presiding officer of the county governing body, shall be forthwith forwarded by the chairman or presiding officer of said county governing body to the Executive Secretary of the Alabama Board of Cosmetology and copy of said resolution shall also forthwith be published in a newspaper published in said county once a week for four consecutive weeks. Should the county governing body of a county which has elected not to come under the provisions of this Act, as herein provided, desire to accept the provisions thereof, it may do so by resolution to this effect unanimously adopted by said county governing body. Said resolution shall be entered upon the minutes of the governing body of the county and copies thereof, duly certified to by the chairman or presiding officer of the county governing body, forthwith be forwarded to the Board of Cosmetology. Notice of the action of the county governing body to accept the provisions of this Act shall also be given forthwith by publication of said resolution in a newspaper published in said county once a week for four consecutive weeks.”

Section 2. Section 29 of Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), is hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 669

S. 855—Perloff

AN ACT

To amend Section 6-4-20 of Act No. 20, H.B. 100, 1977 Regular Session, to provide for service of process according to the Alabama Rules of Civil Procedure.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-4-20 of Act No. 20, H.B. 100, 1977 Regular Session, is amended to read as follows:

“§6-4-20. Method.

Service of process, unless otherwise provided by law, shall be made as provided in the Alabama Rules of Civil Procedure.”

Section 2. This act shall become effective on the date that Act No. 20, H.B. 100, 1977 Regular Session goes into effect.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 670

H. 266—Johnston, Manley, McCorquodale

AN ACT

To amend, revise and reenact Act No. 1226, 1975 Regular Session (Acts 1975, p. 2562) entitled “An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws,” so as to further designate the institutions to which mentally ill persons may be committed, prescribing the procedures for involuntary commitment, prescribing the duties and responsibilities of all persons, agencies and departments concerning commitment of mentally ill persons, further protecting the rights of the persons sought to be committed and providing further for the appeal of commitment orders.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1226, 1975 Regular Session (Acts 1975, p. 2562), which relates to and prescribes the procedures for the involuntary commitment of mentally ill persons is hereby amended, revised, and reenacted to read as follows:

"An Act Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health or such other public facilities as may be ordered; prescribing the procedures for the involuntary commitment of mentally ill persons; prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to the circuit court or court of civil appeals by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws.

"BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

"Section 1. Petition to Probate Judge for involuntary Commitment.

"When any person desires to have any other person committed to the custody of the Alabama State Department of Mental Health or such other public facility as the court may order on the ground that such other person is mentally ill and as a consequence of such mental illness poses a real and present threat of substantial harm to himself or to others, the person so desiring shall file a petition, executed under oath, with the judge of probate of the county in which such person is located, petitioning the probate court to commit such person to the custody of the Alabama State Department of Mental Health or such other public facility as the court may order. The petition shall contain the name and address of the petitioner, the name and location of the person sought to be committed, a description including date and place of a recent overt act committed by the person sought to be committed evidencing the said person's mental illness and the threat of harm to himself or others; and the names and addresses of other persons with knowledge of such person's mental illness who may be called as witnesses.

"Section 2. Review of Petition by Probate Judge.

"When any petition is filed seeking to commit a person to the custody of the Alabama Department of Mental Health or such other public facility as the court may order on the ground that such person is mentally ill, the probate judge shall immediately review the petition and may require the petitioner to be sworn and answer under oath questions regarding the petition and the person sought to be committed. If it appears

from the face of the petition or from the testimony of the petitioner that the petition is totally without merit, the probate judge may order the petition dismissed without further proceedings.

"Section 3. Service of Petition Upon Person Sought to be Committed.

"When any petition has been filed seeking to commit a person to the custody of the Alabama Department of Mental Health or such other public facility as the court may order on the ground that such person is mentally ill and such petition has been reviewed by the probate judge, the probate judge shall order the sheriff of the county in which such person is located to serve a copy of the petition, together with a copy of the order setting the petition for a hearing, upon such person. Said notice shall include the date, time, and place of the hearing; a clear statement of the purpose of the proceeding and the possible consequences to the subject thereof; the alleged factual basis for the proposed commitment; a statement of the legal standards upon which commitment is authorized; and a list of the names and addresses of the witnesses who may be called to testify in support of the petition. Said notice shall be served on the person sought to be committed at least five (5) days prior to the date of the hearing.

"Section 4. Appointment of Attorney, Appointment of Guardian Ad Litem.

"At the time when any petition has been filed seeking to commit such person to the custody of the Alabama Department of Mental Health or such other public facility as the court may order, the probate judge shall appoint a guardian ad litem to represent and to protect the rights of the person alleged to be mentally ill, and shall determine if such person has the funds with which to employ an attorney to represent such persons and if such person has the mental ability to secure the services of an attorney to represent such person. If such person does not have funds with which to employ an attorney or does not have the mental ability to secure the services of an attorney, the probate judge shall appoint an attorney, who may be the same person as the guardian ad litem, to represent such person. The probate judge shall immediately inform the attorney so appointed of his appointment. No statement made or act done by such person in the presence of the probate judge prior to such person obtaining the services of an attorney, by appointment or otherwise, shall be considered by the probate judge in determining whether such person should be committed.

"Section 5. Custody of Person Sought to be Committed.

"When a petition has been filed seeking to have limitations

placed upon the liberty of a person pending the outcome of a final hearing on the merits, the probate judge shall order the sheriff of the county in which such person is located to serve a copy of the petition upon such person and to bring such person before the probate judge instantler. When any such person against whom a petition has been filed seeking to have limitations placed upon such person's liberty pending the outcome of a full and final hearing on the merits is initially brought before the probate judge, the probate judge shall determine from an interview with the person sought to be committed and with other available persons what limitations, if any, shall be imposed upon such person's liberty and what temporary treatment, if any, shall be imposed upon such person pending further hearings. No limitations shall be placed upon such person's liberty nor treatment imposed upon such person unless such limitations are necessary to prevent such person from doing substantial and immediate harm to himself or to others or to prevent such person from leaving the jurisdiction of the court. No such person shall be placed in a jail or other facility for persons accused of or convicted of committing crimes unless such person poses an immediate, real and present threat of substantial harm to himself or to others and no other public facility is available to safely detain such person. The probate judge shall order such person to appear at the times and places set for hearing the petition and may order such person to appear at designated times and places to be examined by licensed medical doctors and licensed mental health professionals. If such person does not appear as ordered by the probate judge, the probate judge may order the sheriff of the county in which such person is located to take such person into custody and compel such person's attendance as ordered by the probate judge. If temporary treatment or admittance to a hospital is ordered for any person, such treatment shall be supervised by a licensed medical doctor who has willingly consented to treat such person, and admission to a hospital shall be ordered by a licensed medical doctor who has willingly consented to admit and treat such person.

"Section 6. Probable Cause Hearing.

"When any person sought to be committed has any limitation imposed upon his liberty or any temporary treatment imposed upon him by the probate judge pending final hearings on such petition, the probate judge at the time such limitation or treatment is imposed shall set a probable cause hearing within seven days of the date of such imposition. If at such probable cause hearing the probate judge finds that probable cause exists that such person should be detained temporarily and finds that temporary treatment would be in the best interest of the person sought to be committed, the probate judge shall

enter an order so stating and setting the date, time, and place of a final hearing on the merits of such petition. The final hearing shall be held within thirty days of the date that such person was served with a copy of the petition seeking to commit such person. If temporary treatment or admittance to a hospital is ordered for any person, such treatment shall be supervised by a licensed medical doctor who has willingly consented to treat such person, and admission to a hospital shall be ordered by a licensed medical doctor who has willingly consented to admit and treat such person.

"Section 7. Notice to Alabama State Department of Mental Health, or Such Other Public Facility as May be Ordered by the Court.

"When a petition is filed seeking to commit a person to the custody of the Alabama State Department of Mental Health, or such other public facility as the court may order, the probate judge with whom the petition is filed shall notify the Department of Mental Health, or such other public facility, of the pendency of the petition in the manner and with such other information as designated by the Department of Mental Health, or such other public facility. The probate judge shall notify the Department of Mental Health, or such other public facility, of the date of the final hearing on the petition to commit.

"Section 8. Conduct of Hearings.

"At all hearings including probable cause hearings conducted by the probate judge in relation to a petition to commit any person to the custody of the Alabama State Department of Mental Health, or such other public facility as the court may order, the following rules shall apply.

"1. The person sought to be committed shall be present unless prior to the hearing the attorney for such person has filed in writing a waiver of the presence of such person on the ground that the presence of such person would be dangerous to such person's physical or mental health or that such person's conduct could reasonably be expected to prevent the hearing from being held in an orderly manner, and the probate judge has judicially found and determined from evidence presented in an adversary hearing that the person proposed to be committed is so mentally or physically ill as to be incapable of attending such proceedings. Upon such findings an order shall be entered approving the waiver.

"2. The person sought to be committed shall have the right to compel the attendance of any witness who may be located anywhere in the State of Alabama and to offer evidence including the testimony of witnesses, to be confronted with

witnesses in support of the petition, to cross-examine them, and to testify in his own behalf, but no such person shall be compelled to testify against himself. The attorney representing the person sought to be committed shall be vested with all of the rights of said person during all of the hearings if such person is not present in court to exercise his rights.

"3. The probate judge shall cause the hearing to be transcribed or recorded stenographically, mechanically or electronically and shall retain such transcription for a period of not less than three years from the date the petition is denied or granted and not less than the duration of any commitment pursuant to such hearing.

"4. All hearings shall be heard by the probate judge without a jury and shall be open to the public unless the person sought to be committed or his attorney requests in writing that the hearings be closed to the public.

"5. The rules of evidence applicable in other judicial proceedings in this state shall be followed in involuntary commitment proceedings.

"Section 9. Appointment of Attorney to Present Evidence in Support of Petition.

"The probate judge shall appoint an attorney to serve as the advocate in support of the petition to commit in all matters regarding a petition to commit. If the person or persons filing a petition to have a person committed wish to employ an attorney of their own choosing to appear in support of the petition, they may do so, and such attorney shall serve in lieu of an attorney appointed by the probate judge.

"Section 10. Findings and Order by Probate Judge.

"If at the final hearing upon a petition seeking to commit a person to the custody of the State Department of Mental Health, or such other public facility as the court may order, the probate judge on the basis of clear, unequivocal and convincing evidence shall find:

"1. that the person sought to be committed is mentally ill; and

"2. that as a consequence of the mental illness the person poses a real and present threat of substantial harm to himself or to others; and

"3. that the threat of substantial harm has been evidenced by a recent overt act; and

"4. that treatment is available for the person's mental illness or that confinement is necessary to prevent the person

from causing substantial harm to himself or to others; and

4 "5. that commitment is the least restrictive alternative necessary and available for treatment of the person's mental illness;

"Then upon such findings, the probate judge shall enter an order setting forth his findings, granting the petition and ordering the person committed to the custody of the Alabama State Department of Mental Health or to such other public facility as the court may order.

"If any such element be unproved, the probate judge shall deny the petition and discharge the subject of the petition sine die.

"If the probate judge finds that no treatment is presently available for the person's mental illness, but that confinement is necessary to prevent the person from causing substantial harm to himself or to others, the order committing the person shall provide that, should treatment for the person's mental illness become available at any time during the period of the person's confinement, such treatment shall be made available to him immediately.

"Section 11. Costs.

"In any commitment proceeding, the fees of any attorney appointed by the probate judge to act as advocate for the petition, any attorney or guardian ad litem appointed by the probate judge for the person sought to be committed and any expert employed to offer expert testimony, in such amounts as found to be reasonable by the probate judge, and all other costs allowable by law shall be paid by the State General Fund upon order of the probate judge except if the petition is denied and the petitioner is not indigent and is not a law enforcement officer or other public official acting within the line and scope of his duties, all costs may be taxed against the petitioner, or if the petition is granted and the person sought to be committed is not indigent, the probate judge may order all costs paid from the estate of the person committed.

"Section 12. Appeals.

"An appeal from an order of the probate court granting a petition seeking to commit a person to the custody of the Alabama State Department of Mental Health, or such other public facility as the court may order, lies to the circuit court for trial de novo unless the probate judge who granted the petition was learned in the law, in which case the appeal lies to the Alabama Court of Civil Appeals on the record. Notice of appeal shall be given in writing to the probate judge within five

(5) days after the respondent has received actual notice of the granting of the petition and shall be accompanied by security for costs, to be approved by the probate judge, unless the probate judge finds that the person sought to be committed is indigent, in which case no security for costs shall be required. Upon the filing of a notice of appeal, the probate judge shall determine and enter an order setting forth the limitations to be placed upon the liberty of the person sought to be committed pending the appeal. Upon the filing of a notice of appeal, the probate judge shall certify the record to the clerk of the reviewing court. The petition shall be set for hearing by the reviewing court within 60 days of the date the notice of appeal is filed in the probate court and such hearing shall not be continued except upon motion in writing by the person sought to be committed for good cause. The costs of the proceedings in the reviewing court shall be taxed in the same manner as in the probate court. All requirements relative to hearings in probate court shall apply to appeals heard in the circuit court.

"Section 13. Jurisdiction of Probate Court Over Person Committed.

"The probate court committing any person to the custody of the Alabama State Department of Mental Health, or such other public facility as the court may order, shall retain jurisdiction over such person concurrently with the probate court of the county in which the person is subsequently located for so long as the person is in the custody of the Department of Mental Health, or such other public facility as the court may order, and the probate court committing such person may hold any hearing regarding such person at any place within the State of Alabama where such person may be located.

"Section 14. Person Entitled to Treatment by The United States Veterans Administration.

"Any person committed by the probate court to the custody of the Alabama State Department of Mental Health, or other such public facility as the court may order, who is entitled to care and treatment at a facility operated by the United States Veterans Administration or other agency of the United States government may be transferred by the Department of Mental Health to the United States Veterans Administration or other agency of the United States on such terms and conditions as may be agreed upon by the Department and the Veterans Administration or other agency. Upon such transfer the committed person shall be subject to the applicable regulations of the Veterans Administration or other agency of the United States.

"The chief officer of the Veterans Administration Hospital

or other facility operated by the United States to which committed persons are transferred, as provided in this section or under the law in effect at the time of commitment, shall have the same powers as are exercised by the superintendents of state facilities or the Department of Mental Health with respect to the retention, transfer, parole or discharge of committed persons, and such chief officer and the physicians of such facility shall be exempt from attending court as witnesses in the same manner and to the same extent provided by law for superintendents and physicians of state facilities.

"The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia committing a person to the United States Veterans Administration or other agency of the United States Government or any facility operated by such Administration or agency, for care or treatment shall have the same force and effect as to such person while in this state as in the state or District in which is situated the court entering such judgment or making such order.

"Section 15. Conveying Persons Committed, Report of Confining Agency.

"The probate judge shall order one or more persons or law enforcement officers to convey any person committed to the custody of the Alabama State Department of Mental Health to such facility as designated by the Department of Mental Health or to the custody of such other public facility as the court may order, and all necessary expenses incurred by the persons or officers conveying such person shall be taxed as costs of the proceeding.

"Such facilities shall report to the probate judge as to the progress of all persons who have been committed therein. Such reports shall be made as often as may be ordered by the probate judge, but in no event shall such reports be made less frequently than every ninety (90) days.

"Section 16. Evaluation and exemptions.

Notwithstanding any other language in this Act, the following limitations shall apply. No public facility other than the Department of Mental Health may be required (as distinguished from authorized) by the probate court to perform any mental evaluation of a person sought to be committed for use in any final commitment hearing except: (1) in an emergency case wherein no other source or agency which is funded or mandated by federal law, state law, or both to provide such services is objectively capable of performing such evaluation within the time limit imposed by law; or (2) in an emergency

case wherein no other source or agency operates to perform such evaluation in such emergency case, a public hospital may be required to accept a person sought to be committed for the provision of hospital care, if such person is admitted to the public hospital or other facility by a medical doctor who has agreed to provide professional services, including evaluation of the patient, prior to admission to the public hospital or other facility. In all other cases and stages in the proceedings, including final commitment, public facilities other than the Department of Mental Health may be utilized only with and upon their concurrence."

"Section 17. Repealer.

Codes of Alabama 1940, Title 15, Section 432; Title 45, Sections 205, 206, 207, 208, 209, 210 and 211; and all other laws or parts of laws which conflict with this act are hereby repealed.

"Section 18. Severability.

"The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 19. Effective Date.

"This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 671

S. 824—Littleton

AN ACT

To amend Paragraph 12 of Section 10-105, Act No. 549, Acts of Alabama, 1965 Regular Session of the Alabama Legislature (Title 51 §619, Code of Alabama) so as to provide an alternative procedure for the recording of instruments on which they may be future indebtedness by any owner which is a bank, savings and loan association,

insurance company or other financial institution organized and established under the laws of the State of Alabama and the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Paragraph 12 of Section 10-105 of Act No. 549, Acts of Alabama, 1965 Regular Session of the Legislature of Alabama, is hereby amended to read as follows:

(12) Section 619 of Title 51, Code of Alabama 1940, as amended, is further amended to read as follows: No mortgage, deed of trust, contract of conditional sale, or other instrument of like character which is given to secure the payment of any debt, which conveys any real or personal property situated within this state, or any interest therein, or any security agreement or financing statement provided for by the Uniform Commercial Code, except a security agreement or a financing statement relating solely to security interests in accounts, contract rights or general intangibles, as such terms are defined in the Uniform Commercial Code, shall be received for record or for filing in the office of any judge of probate of this state unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be received for record or for filing:

(a) Upon all such instruments which are executed to secure or to evidence the securing of an initial indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all instruments which shall be executed to secure or to evidence the securing of an initial indebtedness of more than one hundred dollars there shall be paid the sum of fifteen cents for each one hundred dollars of such initial indebtedness, or fraction thereof.

(b) If any part of the indebtedness which the mortgagor or debtor in any instrument conveying any real property situated within this state, or any interest therein (other than fixtures under the Uniform Commercial Code) is authorized to incur under the terms of the instrument has not been, or will not be, presently incurred, at the time such instrument is offered for record, the tax shall be paid on the amount of indebtedness presently incurred, and the department of revenue, upon the petition of the owner of any such instrument, or upon the petition of the agent or attorney of such owner, shall ascertain to its own satisfaction the amount then taxable, and the amount to be incurred thereafter, and determine the amount upon which the tax shall be paid at the time such instrument is offered, and shall endorse its findings on such instrument. Upon the presentation of such instrument with such endorsement thereon, the judge of probate of any county in which the instrument is offered, upon the payment of the tax upon the

amount so ascertained by the department of revenue, and the recording fees of the probate judge, shall accept the same for record. The department of revenue shall also require the owner of such instrument to execute a bond, in an amount sufficient to secure the state the privilege tax to become due and payable under this section upon the amount of the indebtedness to be incurred thereafter, such bond to be approved by the department of revenue and payable to the state of Alabama, and conditioned that the owner of such instrument will promptly report to said department of revenue and to the probate judge of the county where said instrument is first filed for record, whenever such owner or his successor in interest incurs any additional indebtedness thereunder, and the amount so incurred; and that the said owner of such instrument will pay or cause to be paid to the judge of probate of the county in which said instrument is first filed the privilege or license tax required under this section, upon the accrual of any additional indebtedness, and the said owner of such instrument will report to the said probate judge and the department of revenue during the month of September of each year the amount of all indebtedness and all bonds, debentures, note or other form of indebtedness, incurred or certified and delivered under said instrument to such date, and the amount so certified and delivered during the preceding twelve months, and the aggregate of all such evidence of indebtedness certified and delivered under such instrument prior to such year. The bond executed to secure payment of the tax herein required shall cover a term of five years, and after the expiration of said term of five years, the owner of the instrument offered for record shall execute such further bond as may be required by the department of revenue covering the succeeding term of five years, and thereafter every term of five years, in the same manner so long as any of the indebtedness authorized to be incurred by such instrument has not been incurred with like condition and in such sum as the said department may prescribe.

Notwithstanding the foregoing paragraph, any bank, savings and loan association, insurance company or other financial institution organized and established under the laws of the State of Alabama or the United States which is the owner of such instrument, in lieu of the foregoing procedures, may certify the amount of indebtedness presently incurred and the probate judge of any county in which the instrument is offered, upon payment of the tax upon the amount so certified and the recording fees of the said probate judge, shall accept said instrument for record. During the month of September of each year, any such bank, savings and loan association, insurance company or other financial institution which has recorded such instruments as described hereinabove shall report

to the appropriate probate judge the amount of additional indebtedness incurred under said instrument and pay any tax required upon the additional indebtedness.

Each probate judge will forward to the State Banking Department by the end of October a statement showing the amounts certified to him by each forenamed organization. The State Banking Department will then have the authority to make unannounced audits on an organization electing to use this system of reporting indebtedness. Any organization which is found to have willfully certified less than the true amount it should have certified, will be required to pay a fine equal to three times the amount of tax due on the amount of indebtedness not certified to the probate judge. This fine will be paid into the General Fund of Alabama. In addition, any organization so fined must pay an auditing fee in accordance with established Banking Department audit fees into the funds of the State Banking Department.

(c) When any deed is filed for record which recites that part of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the judge of probate in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by mortgage or deed of trust which has already been filed for record, and the tax thereon paid, and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax and the fact of such prior payment shall be endorsed on the deed.

(d) The privilege taxes herein imposed shall not be required on or for the filing of any such instrument, providing additional or substantial security for any indebtedness secured by, or the securing of which is evidenced by, an instrument previously filed, upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity.

(e) Upon the filing for record of such instrument and upon the payment of the tax thereon, the probate judge or his clerk shall certify on said instrument the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instru-

ment is situated, without the payment of any further tax thereon, except the fee to the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by such probate judge when such instrument is recorded. Upon the filing for record of any instrument which has been exempted by law from the payment of the tax provided for in this section, the judge of probate shall certify thereon that no tax has been paid and shall stamp in bold letters on the face of said instrument "No Tax Collected" and said certificate shall be recorded with and as a part of such instrument, and thereafter such instrument shall be received for record in any county in this state without the payment of any further tax thereon, when submitted by a tax exempt institution, but if submitted by or transferred to an institution or person not exempt from the payment of the tax levied under this section, the judge of probate shall collect the tax levied by this section, upon the then unpaid balance of the secured debt together with the fee of the judge of probate for recording such instrument, before it will be admitted to record. The tax here provided for shall be paid upon all contracts for the sale of real or person property, whether the same be in the nature of a conditional sale, or a bond for title, and no such contract shall be received for record until such tax shall have been paid.

(f) When the time for the payment of the indebtedness secured by, or the securing of which is evidenced by, any such instrument is extended or renewed, and the extension or renewal contract is offered for filing or for record, the tax required in this section shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this article. No state, county or municipal ad valorem tax shall be payable on any such instrument upon which the tax prescribed by this section shall have been paid, or on the debt secured or evidenced thereby, or on the security agreement evidenced thereby.

(g) Of the taxes collected by the probate judge under this section there shall be paid to the county treasurer of the county in which such taxes are collected one third of the amount collected by him, to be accounted for by him, and the remaining two thirds of said amount collected, to the state treasury. The probate judge shall receive five percent of the amount collected by him as compensation for his services in collecting said money, and certifying said instrument, said five percent to be retained by him out of the money collected by him under this section; but when the property described in said instrument is situated within different counties within this state, then the probate judge who collects said taxes shall pay over the amount due to the county, to the county treasurer of each of the different counties in which said property is situated an amount of

said taxes that would be in proportion to the value of the property therein as compared to the whole property within this state described in said instrument.

(h) If any part of the property embraced or described in any instrument which is required under this section to pay a record privilege tax is located without this state, the indebtedness upon which the tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this state bears to the whole property described in said instrument. The department of revenue may ascertain the value of the whole property, and of that part of it which is located within this state, for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid. And the value of that part of the property located within this state and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First, the owner of any such instrument, or his agent, or attorney, may petition the department of revenue to ascertain the value of the whole property, and of that part of which is located within this state and the amount of the indebtedness upon which such tax shall be paid, and the department of revenue after hearing such evidence as may be offered or as may be before it, shall fix and determine the value of that part of the property located within this state and the amount of the indebtedness upon which the tax shall be paid and shall endorse its findings on such instrument and upon the presentation of said instrument, with such endorsements to the probate judge of the county in which any part of the property is located, such instrument upon the payment of the tax upon the amount of such indebtedness as so ascertained by said department of revenue and of the recording fees of the probate judge; or, second, the owner of any such instrument, or his agent, or attorney, may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record, the privilege tax on the entire amount of the indebtedness secured by such instrument, and may thereupon present his petition to the department of revenue within thirty days after such instrument is recorded, and it shall be the duty of said department of revenue to ascertain the value of the whole property and of that part of it located within this state, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said department shall thereupon ascertain such valuation and fix and determine such indebtedness, and shall order the judge of probate to refund the excess of privilege tax collected by him and the probate judge shall comply with such order; and the tax paid upon the entire amount of such indebtedness shall be held by the probate judge

until the department of revenue determines the amount of the indebtedness upon which such tax shall be paid.

(i) Any probate judge who shall file for record, or shall receive any such instrument for record or for filing, without collecting the recording or registration tax provided for the filing, recording or registration of such instrument, or who shall fail to certify the fact that such tax has been paid before filing such instrument shall be guilty of a misdemeanor and upon conviction shall be fined not less than be fined not less than ten nor more than one thousand dollars.

(j) Every petition filed with the department of revenue to ascertain the amount of the mortgage tax due to be paid under this section shall, when the property conveyed in the instrument offered for record is located in more than one county of the state, show the value of the property conveyed in each county in which the instrument is to be recorded.

(k) Any probate judge who fails to keep the abstract of mortgages or other instrument intended to secure the payment of moneys, which are filed in his office for filing or for record, as he is required by law to keep, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than five hundred dollars.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 672

H. 531—Owens

AN ACT

Relating to Bibb County; to levy an excise and privilege tax on the severance of stone in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the maintenance, repair, and construction of improved roads in Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Commissioner" means the commissioner of revenue of the state revenue department.

(b) "Person" means any individual, firm, partnership, corporation, association, or any combination thereof.

(c) "Producer" means any person engaging in the business of severing stone from the soil within Bibb County.

(d) "Purchaser" means any person acquiring title, outright or conditionally, to any interest in severed stone.

(e) "Severing" means cutting, mining, stripping or otherwise taking or removing from the soil within Bibb County.

(f) "Ton" means a short ton of 2,000 pounds.

(g) "Transporter" means any person transporting stone from the place where it is severed or from any other place to any other place, within or without Bibb County.

Section 2. Severance tax levied. There is hereby levied, in addition to all other taxes imposed by law, an excise and privilege tax on every person severing stone within Bibb County. The tax shall be paid to the Commissioner by every producer who severs stone within Bibb County at the rate of 5 cents per ton.

Section 3. Producer reports and payments. Every producer shall, within twenty (20) days after the end of each calendar month, whether or not he shall have actually severed stone during that month, file with the commissioner a report which shall set forth, in a form to be prescribed by the commissioner, the amount of stone in tons, if any, severed by such producer during the next preceding calendar month; the point of severance thereof; the amount of tax due; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The producer shall accompany such report with payment of the full amount of the tax shown to be due. The report shall be signed by the producer himself in the case of an individual producer, or by a member, officer, or manager of the producer in other cases.

Section 4. Purchaser and transporter reports. Purchaser and transporters of stone severed in Bibb County shall file a report with the commissioner, on forms prescribed by the commissioner, within twenty (20) days after the end of each cal-

endar month in which such purchaser or transporter purchased or transported stone severed in Bibb County. The report shall state the names and addresses of all producers in Bibb County from whom such purchaser or transporter has received stone during such calendar month; the total quantity of stone so acquired; and, in the case of a transporter, to whom and where each ton of stone was delivered; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases.

Section 5. The tax imposed by this act shall constitute a debt due Bibb County and may be collected by civil suit, in addition to all other methods provided by law. The said tax, together with interest thereon, shall constitute and be secured by a lien upon the property of any person from whom said tax is due. All provisions of the revenue law of this state which apply to the enforcement of liens for taxes due the state shall apply fully to the collection of the county tax levied herein, and the state department of revenue for the use and benefit of Bibb County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state stone severance tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of the act, including any litigation involving the act; and the department shall pay such special counsel's fee, as it deems necessary and proper from the proceeds of the taxes collected by it for Bibb County.

Section 6. The state department of revenue shall charge Bibb County for collecting the county tax levied herein, such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the county commission, but such charge shall not in any event exceed ten percent of the total amount of tax collected hereunder. Such charge for collecting the tax for the county may be deducted each month from the proceeds of the tax before certifying the amount thereof due Bibb County for that month.

Section 7. The net proceeds of the tax hereby levied shall be used as here provided:

The net proceeds of the stone tax shall be distributed 50% for the maintenance, repair and construction of improved county

roads in Bibb County and 50% for the use of the Bibb County Board of Education. On or before the tenth day of each month, the state revenue department shall pay over the net proceeds of the stone tax collected hereunder during the preceding month to the county governing body which shall distribute 50% of such proceeds to the special road maintenance fund of Bibb County and 50% to the account of the Bibb County Board of Education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective October 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 673 S. 166—St. John, McDonald (S), Roberts, Gilmore,
Vacca, Jones

AN ACT

To prescribe and establish monetary limits payable on claims and judgments based on tort liability and filed or obtained against governmental entities; to define terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.—(1) "Governmental entity" shall mean any incorporated municipality, any county and any department, agency, board or commission of any municipality or county, and municipal or county public corporations and any such instrumentality or instrumentalities acting jointly. "Governmental entity" shall also include county public school boards, municipal public school boards, and city-county school boards when such boards do not operate as functions of the State of Alabama. "Governmental entity" shall also mean county or city hospital boards when such boards are instrumentalities of the municipality or county or organized pursuant to authority from a municipality or county. (2) "Employee" means an officer, official, employee or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of any governmental entity in any official capacity, temporarily or permanently, in the service of the governmental entity, whether with or without compensation, but the term "employee" shall

not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this Act applies in the event of a claim. (3) "Bodily injury" means any bodily injury, sickness, disease, or death sustained by any person or caused by an occurrence. (4) "Property damage" means injury or destruction to tangible property caused by an occurrence. (5) "Claim" means any claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages caused by bodily injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the State of Alabama.

Section 2. The recovery of damages under any judgment against a governmental entity shall be limited to \$100,000.00 for bodily injury or death for one person in any single occurrence; recovery of damages under any judgment or judgments against a governmental entity shall be limited to \$300,000.00 in the aggregate where more than two persons have claims or judgments on account of bodily injury or death arising out of any single occurrence; recovery of damages under any judgment against a governmental entity shall be limited to \$100,000.00 for damage or loss of property arising out of any single occurrence. No governmental entity shall settle or compromise any claim for bodily injury, death or property damage in excess of the amounts hereinabove set forth.

Section 3. This statute is not intended and shall not be construed to subject any governmental entity to liability for tort claims where liability therefor does not already exist by law. It shall not authorize any governmental entity to be sued where such authorization does not already exist by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 674

H. 220—Owens

AN ACT

To amend Title 51, Section 647, as amended, Code of Alabama 1940, which relates to the excise tax on gasoline used in aviation, so as to stabilize the rate of taxation of gasoline and other fuels used to propel aircraft.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 647, as amended, Code of Alabama 1940, is hereby further amended to read as follows:

“Section 647. Excise tax levied; use of the net proceeds thereof and methods of allocation and distribution; distributor, dealer, etc., to add to price.—(a) Every distributor, refiner, retail dealer, storer, or user of gasoline shall collect and pay over to the state department of revenue an excise tax of seven cents per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use, gasoline as defined or otherwise referred to in article 5 of Title 51, Code of Alabama 1940, and as amended, except gasoline sold for use as fuel to propel aircraft and which gasoline is subject to the tax imposed in subsection (d) below; provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline shall have been paid to the state by a distributor, refiner, or by any retail dealer, storer, or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. (b) The state department of revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the department for use by the United States in purchasing gasoline or other fuels taxed by this Act within the state of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the department may deduct the number of gallons of gasoline or other fuels taxed by this Act sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report; and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates. (c) The revenue, less the cost of collection and all refunds authorized by law, obtained from the seven cents excise tax on gasoline, naphtha, and other liquid motor fuels, or any device or substitute therefor commonly used in internal combustion engines, as is provided for in this section, shall not be used for any purposes other than the following, namely: (1) The legislature hereby finds as a fact that of all the gasoline sold in this state not less than thirty-five one hundredths of one per cent thereof is used for marine purposes to propel ves-

sels on inland and coastal waterways of this state. The legislature hereby declares that it is the policy of this state to use the funds derived from the sale of marine gasoline to improve boating and boating facilities, seafoods, and salt water sports fishing in this state. Effective on the first day of the month following the passage and approval of this Act thirty-five one hundredths of one per cent of all state imposed taxes collected on the sale of gasoline (except gasoline and other fuels consumed in airplanes) shall be credited as follows: Sixty per cent to the state water safety fund of the water safety division and forty per cent to the seafood fund of the seafood division.

(2) The revenue arising from the sale of gasoline as herein defined, (except gasoline sold for use as fuel to propel aircraft and which gasoline is subject to the tax imposed in subsection (d) below) for all other purposes shall not be used for any purpose other than for the construction, improvement, maintenance and supervision of highways, bridges and streets, including the retirement of bonds for the payment of which such revenues have been or may hereafter be pledged. The payment of the per diem and mileage of members of county governing bodies when engaged in supervising the construction, improvement and maintenance of highways, bridges and streets, shall be construed as used in supervision. However, the governing body of each county is authorized to expend an amount not to exceed one third of the total amount of such revenue that may be received by such county in the payment of any debt that may have been incurred by such county for the construction or maintenance of roads or bridges. This fund shall be allocated in the manner now provided by law. On the 20th day of each month following that quarter of any fiscal year, all revenue derived from the sale of gasoline to be consumed in the motor of a boat or vessel as defined in (1) above shall be allocated to the 'state water safety fund' and 'seafoods fund'.

(d) (1) Every distributor, refiner, retail dealer, storer or user of gasoline or any substitute or device therefor sold for use as a fuel to propel aircraft shall collect and pay over to the state department of revenue an excise tax in accordance with the following schedule upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for use as a fuel to propel aircraft: (a) Gasoline or other fuel used to propel aircraft powered by reciprocating engines shall be taxed at the rate of 2.7 cents per gallon. (b) Any fuel used to propel aircraft powered by jet or turbine engines shall be taxed at the rate of .9 cent per gallon. (2) On July 31, 1977, or as soon thereafter as practicable and at the same time in every year thereafter, the commissioner of revenue shall determine the total number of gallons of fuel upon which the tax levied in subsection (d) (1) above has been reported and paid to the state during the preceding twelve months period, and at the

same time he shall ascertain the total net amount of revenue produced by the tax levied thereon. If the net proceeds of the tax for such period amount to more than \$550,000, the rate of tax shall be reduced in decrements of three-tenths of one cent per gallon with respect to the tax levied in subsection (d) (1) (a) above and in decrements of one-tenth of one cent per gallon with respect to the tax levied in subsection (d) (1) (b) above to the extent required to maintain net collections for such period at a level of \$500,000. If at any time after such a reduction the rate of tax collections declines to the extent that the \$500,000 level for a similar twelve months period cannot be maintained, the rate of the tax shall be correspondingly increased in increments of three-tenths of one cent per gallon with respect to the tax levied in subsection (d) (1) (a) above and increments of one-tenth of one cent per gallon with respect to the tax levied in subsection (d) (1) (b) above to the extent required to maintain net collections for a similar period at a level of \$500,000. It is the legislative intent by the above provisions to maintain collections at a \$500,000 level per annum. (3) The revenue, less the cost of collection, obtained from the tax levied in subsection (d) (1) above shall be paid into the State Treasury and be used exclusively for the purpose of paying the cost of acquiring, engineering, construction, improvement and maintenance of existing or proposed airports and other air navigation facilities within the state, for the payment of the salary of the state director of aeronautics, the salaries of other employees of the Alabama department of aeronautics, and for the payment of other administrative and aeronautical expenses of the Alabama department of aeronautics and for the further purpose of creating a sinking fund for the payment of the interest and retirement of the principal of all bonds which may be hereafter lawfully issued, sold and delivered for funds to be used exclusively for the enumerated purposes. (e) Every distributor, refiner, retail dealer, or storer of gasoline or other fuels taxed by this Act shall add the amount of the excise tax levied and assessed herein to the price of the gasoline or other fuels taxed by this Act, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with distributor, refiner, retail dealer, or storer, or in the case of a licensed user, acting merely as an agent of the state for the collection and payment of the tax to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 675

H. 611—Owens, Smith (C)

AN ACT

To amend Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, to provide for an increase in the awarding authority of the State Board of Adjustment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 343 of Title 55, Code of Alabama 1940, Recompiled 1958, as amended, is hereby further amended to read as follows:

"Section 343. Appropriations for payment of awards. There is hereby appropriated annually out of the general fund of the State of Alabama, the state insurance fund, the fund of the department of corrections and institutions, the special educational trust fund, the special mental health fund, or any other fund of the state, to be determined by the Board of Adjustment, an amount, not exceeding \$350,000 for each fiscal year as may be necessary to pay the claims ordered paid by the Board of Adjustment, and its expenses. There is also hereby appropriated for each fiscal year an additional amount, not exceeding \$175,000, from funds of the state highway department to pay the claims chargeable against the highway department which are ordered paid by the Board of Adjustment, and its expenses. There is also appropriated, in addition to the foregoing appropriations, from the state general fund to the State Board of Adjustment the sum of One Hundred and Fifty Thousand Dollars (\$150,000) for each fiscal year for the purpose of paying death benefits covered under the provisions of Act No. 208, Special Session of the Alabama Legislature 1966, as amended."

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 676

H. 1100—Owens

AN ACT

Relating to Bibb County; amending the title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p.

2327), as amended, which act pertains to the governing body of the county, and the Sheriff of Bibb County so as to reflect matters of compensation in the title and to increase the monthly expense allowance of certain commissioners, and the Sheriff of Bibb County, payable from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 4 of Act No. 1381, H. 2294 of the 1971 Regular Session (Acts 1971, Vol. III, p. 2327), as amended, are hereby amended to read as follows:

"An Act Relating to Bibb County, providing further for the election of members of the governing body of said county, and setting the compensation for such officers, and the Sheriff of Bibb County, payable from the county treasury.

"Section 4. Each commissioner of the county governing body, other than the chairman, shall receive a monthly salary of \$500 and \$300 per month expense allowance, payable from the county treasury. The chairman of the county governing body and the Sheriff of Bibb County shall receive a \$200 per month expense allowance which shall be payable from the county treasury."

Section 2. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 677

H. 14—McNair

AN ACT

To further amend Sections 2 and 18 of an act entitled "an act to create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal Census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the County affected thereby and the municipalities therein including the County Board of Health; to provide

penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof." (Approved July 6, 1945, General Acts of Legislature of Alabama, 1945, page 376).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of Act No. 248 of the 1945 Legislature of Alabama (General Acts of Alabama of 1945, pages 377-379) approved July 6, 1945, be further amended to as to read as follows:

"Section 2. Personnel Board; extent of its authority defined. In and for each separate county of the State of Alabama which has a population of four hundred thousand or more people according to the last or any future federal census, there shall be a personnel board for the government and control by rules and regulations and practices hereinafter set out or authorized of all employees and appointees holding positions in the classified service of such counties and the municipalities therein whose population according to the last federal census was five thousand or more and the County Board of Health, and such personnel board is vested with such power, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service. The unclassified service shall include: All employees or appointees of a city or county board of education, or a library board; persons engaged in the profession of teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the city manager of any municipality; the director of personnel; the county health officer, provided, however, that if any law or laws now or hereafter enacted shall cause the offices of all other county health officers in the State of Alabama to become subject to any state or county civil service or merit system now or hereafter established, in such event, the office of county health officer in each county subject to the provisions of this Act shall be a position in the classified service as herein defined; one private secretary of a member of the governing body and of each officer except judges elected by vote of the people; internes, resident physicians, resident dentists, student technicians and student nurses, while undergoing training in a county health department or in a hospital maintained by public funds; common laborers, members of boards who are not employed on a full time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians, surgeons and dentists who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by

them for such appointing authority; where there are two county sites or county court house sites maintained in one county and a county officer or officers are required to maintain an office in one court house and branch or subsidiary office in the other of said courthouses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, including the services of the County Board of Health and the Board of Registrars of such county, except as otherwise provided in this Act. Each member of the Board in all hearings before it may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books and records and may punish for contempt of the Board in like manner and extent as may be done by courts of county commissioners: A member of the board or his employer shall be prohibited from selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The term 'independent contractor,' as used in this section shall include a prospective independent contractor, and the term 'appointing authority' as used in this section, shall also include the public entity for which an appointing authority acts. The term 'employee' as used in this Act, shall not be deemed to include 'independent contractors,' but in order to prevent evasions of the policy of this Act, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this Act be not evaded by the use of independent contractors, and whenever the board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this Act as by an independent contractor, the board may serve such appointing authority, and such independent contractor, if such independent contractor be known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this Act. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair

hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this Act as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this Act, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this Act, and no compensation shall be paid to, or received by, an independent contractor affected by such order for work done after the date specified in such order. In arriving at its determination the board shall consider, among other things, and give appropriate weight, to the circumstances of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and of whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this Act. The board, however, shall have no power to prohibit the use of independent contractors for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to it first made, may, but is not required, to permit the doing of such construction work by construction forces of employees of the appointing authority not appointed under this Act, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use of an independent contractor for the further performance of any work after such work has been let to such independent contractor, an appointing authority may apply to the board in advance of the letting of any work to an independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus

authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are hereinabove indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor. The board is especially charged with the responsibility and empowered to place special emphasis on making provision for inclusion in the merit system of physically and mentally handicapped persons and to make special regulations and to grant exceptions from the provisions of this Act and its regulations promulgated hereunder as it shall from time to time deem appropriate to carry out this provision."

Section 2. That Section 18 of Act No. 248 of the 1945 Legislature of Alabama, (General Acts of Alabama of 1945, page 392) approved July 6, 1945, be further amended so as to read as follows:

"Section 18. Appointments. Vacancies in the classified service shall be filled either by transfer, promotion, appointment, reappointment or demotion. Whenever a vacancy in an existing position is to be filled by appointment, the appointing authority shall submit to the director a statement of the title of the position, and if requested by the director to do so, the duties of the position, and desired qualifications of the person to be appointed, and a request that the director certify to him the names of persons eligible for appointment to the position. The director shall thereupon certify to the appointing authority the names of the three ranking eligibles from the most appropriate register, and if more than one vacancy is to be filled the name of one additional eligible for each additional vacancy, or all the names on the register if there are fewer than three. The director shall, upon the request of the appointing authority, add to any such certification for employment the name of any person who is certified by the director of the division of rehabilitation and crippled children of the state department of education, as being eligible for rehabilitation services, or who is certified by a physician duly licensed to practice medicine in the State of Alabama to have a permanent neurological, muscular, skeletal or other physical impairment rendering such person unable to transport himself from place to place in a normal manner without the use of transportative devices such as a wheelchair or supportive devices such as braces, crutches, or both; but the director may nevertheless not give preference in certification for employment to any handicapped person if he finds such person is physically or otherwise unfit to perform effectively the duties of the position in which he or she seeks employment. If it should prove impossible to locate any of the persons so certified or should it become known to the director that any person is not willing to accept the position, the ap-

pointing authority may request that the additional names be certified until three persons eligible and available for appointment have been certified. Within ten days after such names are certified the appointment authority shall appoint one of those whose names are certified to each vacancy which he is to fill. When a new position is created by the governing body the appointing authority shall notify the director of the duties of the position and the desired qualifications of the person to be appointed. If there is no appropriate eligible list from which certification can be made, the director shall establish such a list within forty-five days after receipt of the request and no provisional appointment shall be authorized within that time except with the unanimous approval of the board. The appointing authority shall report to the director the name of the person appointed, the effective date of appointment, and such other information as may be required. The names of the remaining eligibles certified shall be returned to the eligible list for certification to the next vacancy which may occur. The name of an eligible may be removed from the eligible list after it has been certified and refused three times. All appointments shall be made for a probationary period of twelve months. During such period the appointing authority may remove an appointee upon filing with the director, in writing, his reasons for such action, which action shall not be reviewable. After the expiration of the probationary period the employees shall have earned permanent status subject to the provisions of this subdivision as to removals, suspensions and changes. No person shall be appointed under any title not appropriate to the duties of the position to which he is appointed except by consent of the director. When the position to be filled involves fiduciary or financial responsibility or law enforcement, the appointing power or the board may require the applicant to furnish a reasonable bond or other security in an amount and form to be fixed by the appointing authority subject to the approval of the board provided that where the amount and terms of such bonds are now prescribed by law, such provision of law shall remain in effect. Said bond or security shall be approved by the appointing power and kept by it and conditioned as it prescribes unless otherwise now excepted or exempted under the provisions of this subdivision or the Constitution of the state shall fill positions in the county or municipalities therein, by appointment, including cases of transfer, reinstatement, promotions and demotions, in strict accordance with the provisions of this subdivision and the rules and regulations prescribed from time to time hereunder and not otherwise. In the event an appointing authority fails or refuses to fill a vacancy in an existing position from a certified list of eligibles, the director may refuse to certify the payroll voucher or account of any ineligible person found to be performing the duties of said posi-

tion. When there is no eligible list from which a vacancy in an existing position may be filled, the director may certify to the appointing authority the names of all persons who have filed notice of their intention to take an examination appropriate to the position, and who after investigation appear to have had experience or training which qualify them for the position and a provisional appointment from among the number may be made by the appointing authority pending the establishment of an eligible list. No provisional appointment shall be continued for a period of over ten days after the establishment of an eligible list and in no event shall be continued for a longer period than four months. During present war emergency period the director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. Such appointment shall be for not longer than the duration of the present war emergency plus six months, and shall give persons so appointed no status in the classified service by reason of such duration appointment."

Section 3. All laws and parts of law in conflict herewith are expressly repealed.

Section 4. Severability. If, for any reason, any clause, sentence, subsection, or section, or provision of this Act, or the application thereof to any person, body, situation or circumstances is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 678

H. 193—Hall

AN ACT

To amend the Title and Sections 2 and 3 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, which act provides for the creation and maintenance of districts for fighting or preventing fires, and districts for the collection and disposal of garbage and districts for both of the aforesaid purposes so as to include medical rescue systems and services and park and recreational facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 79, H. 99, 1966 Special

Session (Acts of 1966, p. 106), as amended, is hereby amended further to read as follows:

"AN ACT

"To provide in Jefferson County, Alabama, for the creation and maintenance of districts for fighting or preventing fires and for the collection and disposal of garbage, providing medical rescue services and systems, and providing parks and recreational facilities; to provide that any such district may be created for any area upon the conditions and in the manner provided for in the act; to provide that upon the petition of the qualified electors residing within any proposed district the probate judge shall call an election at which there shall be submitted to the qualified electors residing within the proposed district the question of whether the proposed district shall be created; to provide what the petition for such election shall contain; to provide for the time and conduct of such election; to provide that the county shall pay the expense of conducting such election; to provide that if the district is created the district shall reimburse the county for the expenses incurred by the county in respect to the election; to provide that after a district has been established the district shall pay the expense of any election held in the district or held in any area which it is proposed be added to the district; to provide that no district shall be created unless the creation thereof has been approved by the majority of votes cast at the election; to provide that if the creation of the proposed district is approved by the majority of votes cast at the election, the proposed district shall be created and shall constitute a public corporation; to provide that a district may be enlarged by the inclusion of additional area therein, provided the inclusion of such area in the district is approved by the majority of votes cast by the qualified electors residing within the proposed additional area; to provide for the time and conduct of such election; to provide that the affairs and business of the district shall be managed by a board of trustees consisting of five members appointed by the governing body of the county; to provide for the terms of office of the members of the board; to provide that the board of trustees shall elect from its own number a president and a secretary; to provide that the members of the board of trustees shall not be entitled to any compensation for their services but shall be entitled to reimbursement for all expenses incurred by them in the performance of their duties; to define the rights, powers and authority of the districts; to authorize any such district to pledge all or any of its revenues, or to mortgage or otherwise encumber all or any part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to authorize any such district to levy and collect service charges as provided for in the act and, subject

to the limitations prescribed in the act; to provide for the dissolution of any such district; to provide that the provisions of the act are severable; to repeal all laws, or parts of laws, in conflict with this act; and to provide when the act shall take effect."

Section 2. Section 2 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), as amended, is hereby further amended to read as follows:

"Section 2. Definitions. The following words and terms as used in this act shall have the meanings ascribed to them in this Section 2, unless a contrary meaning is apparent from the context; "the act" shall mean this act; "the county" shall mean Jefferson County, Alabama; "district for fighting fires" shall mean a district created under the act for establishing and maintaining a system for fighting or preventing fires and providing medical rescue services and systems; "district for garbage disposal" shall mean a district created under the act for establishing and maintain a system for the collection and disposal of garbage; "district for fire fighting and garbage disposal" shall mean a district created under the act for establishing and maintaining a system for fighting and preventing fires and providing medical rescue services and systems and a system for collection and disposal of garbage; and "district for parks and recreational facilities" shall mean a district created under the act for establishing parks and recreational facilities."

Section 3. Section 3 of Act No. 79, H. 99, 1966 Special Session (Acts of 1966, p. 106), is hereby amended to read as follows:

"Section 3. Any area situated entirely within the county may be established as a district for fighting fires, or a district for garbage disposal, or a district for fighting fires and garbage disposal, or a district for medical rescue systems, or a district for parks and recreational facilities, in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality at the time a district is formed shall be included in the district."

Section 4. This act shall become effective upon ratification of a constitutional amendment amending Amendment CCXXXIX proposed by Act No. 132, H. 178, 1964 First Special Session (Acts of 1964, p. 187), as amended by Amendment CCCXIV of the Constitution of Alabama of 1901, proposed by Act No. 506, H. 1406 of the 1971 Regular Session (Acts of 1971, p. 1230).

Approved May 23, 1977.

Time: 6:00 P.M.

AN ACT

TO AMEND SECTION 22 OF ACT NO. 248 OF THE LEGISLATURE OF ALABAMA OF 1945 (GENERAL ACTS OF 1945, PAGES 376-400) ESTABLISHING A COUNTY WIDE CIVIL SERVICE SYSTEM FOR COUNTIES WITH A POPULATION OF 400,000 OR MORE, AS AMENDED BY ACT NO. 562, APPROVED OCTOBER 9, 1947 (GENERAL ACTS OF LEGISLATURE OF ALABAMA, 1947, PAGE 398), BY ACT NO. 670, APPROVED SEPTEMBER 16, 1953 (ACTS OF LEGISLATURE OF ALABAMA, REGULAR SESSION, 1953, PAGE 927), AND BY ACT NO. 1600, APPROVED SEPTEMBER 17, 1971 (ACTS OF LEGISLATURE OF ALABAMA REGULAR SESSION, 1971, PAGE 2754).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, Pages 376-400) establishing a county wide civil service system for counties with a population of 400,000 or more, as amended by Act No. 562, approved October 9, 1947 (General Acts of Legislature of Alabama, 1947, Page 398), by Act No. 670, approved September 16, 1953 (Acts of Legislature of Alabama, Regular Session, 1953, Page 927), and By Act No. 1600, approved September 17, 1971 (Acts of Legislature of Alabama, Regular Session, 1971, Page 2754) be and the same hereby is amended so as to read as follows:

“Section 22. Dismissal, Demotions and Suspension. An appointing authority may dismiss or demote an employee holding permanent status for just cause whenever he considers the good of the service will be served thereby, for reason stated in writing, served on the affected employee, and a copy furnished to the Director, which action shall become a public record. The dismissed or demoted employee may within ten days after notice, appeal from the action of the appointing authority by filing with the Board and the appointing authority a written answer to the charges. The Board must order a public hearing of such charges, and if the Board finds the employee not guilty, the Board shall order the reinstatement of the employee under such conditions as the Board may determine. If the Board finds the employee guilty, the Board shall determine whether the employee shall be dismissed, demoted, suspended, or otherwise disciplined. In addition to removal or demotion by an appointing authority, an employee may be removed, demoted, suspended or otherwise disciplined in the following manner. Charges may be filed by any officer, citizen or taxpayer of the State with the Director who shall within five days cause a copy to be served upon the person complained against and shall set a day not more than twenty days after such charges have been served on such employee for a public hearing of such charges. This hear-

ing may be before the Director, a special agent appointed for the purpose by the Director, or the Board itself. If before the Director or a special agent, the Director or special agent shall take testimony offered in support and denial of such charges and from the same submit to the Board, within five days, a finding of facts and law involved and a recommended decision. The Board at its next regular or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the Board hears said charges directly or requires the transcribing and submission of the testimony taken before the Director or special agent, it shall make up and file its own findings and decision. An employee may also be removed, demoted, suspended or otherwise disciplined upon charges made by the Director and referred to the Board based upon investigation conducted upon his own initiative or upon complaints referred to the Director by a member of the Personnel Board when the Director after such investigation shall be reasonably satisfied that such charges are warranted. Charges preferred by the Director shall be served and a public hearing held by the Board within the time and in the manner prescribed where charges are preferred by an officer, citizen or taxpayer of this State. Any interested party at such hearing may be represented by counsel. All proceedings at the hearing shall be recorded by a competent stenographer or mechanical recording device. The decision of the Board based upon all proceedings before the Board shall be final subject to appeal by either party to the Circuit Court to review questions of law and the question of whether or not the decision or order of the Board is supported by the substantial and legal evidence. On such appeal the Circuit Court shall review the record and shall affirm, reverse, remand or render said cause. The decision of the Board shall be controlling until reversed on appeal as provided for herein. The appeal shall be perfected by filing with the Director of Personnel a statement in writing signed by the party appealing to the effect that said party appeals from the decision or order of the Personnel Board to the Circuit Court, which statement shall be filed within ten days from the announcement of the decision or order of the Personnel Board; provided further, that the party taking an appeal shall file with the Clerk of the Circuit Court, security for costs in an amount approved by any judge or said Circuit Court, which security for cost may consist of a cash deposit or a bond executed by such party appellant and a surety or sureties approved by the said Circuit Clerk. Such security for costs shall be filed by the party taking the appeal within ten days from the announcement of the decision or order of the Personnel Board. Within ten days from the filing of such statement of appeal the Director of Personnel shall forward to the Circuit Clerk the original or

copies of charges preferred and the answer filed to such charges and a complete transcript of all the proceedings before the Personnel Board at such hearing. In the event the Director is unable to complete such transcript of all the proceedings within ten days, the Presiding Judge of the Circuit Court shall allow the Director such additional time as may be necessary to do so. In the event copies of said charges and answer are forwarded to the Circuit Clerk instead of the originals, the Director of Personnel shall certify that such copies are true and correct copies of the originals. The Personnel Board shall make no charge for furnishing the copy of the record required by the Circuit Court.

Upon receipt of said papers the Circuit Clerk shall present the same to the Presiding Judge of the Circuit Court or the Circuit Judge sitting in place of the Presiding Judge if the regular Presiding Judge be absent; and the Presiding Judge or the Judge sitting in his absence shall assign the case so appealed to three Circuit Judges of said Circuit who shall jointly review the record of the hearing before the Personnel Board. The Presiding Judge or the Judge sitting in his absence in the order assigning such case for review shall designate one of the three Judges to whom the case is assigned as Presiding Judge of such panel. Any such appeal shall be considered and determined as a preferred case in the Circuit Court. The opinion of a majority of three judges to whom such case is assigned shall be determinative of the case and there shall be no appeal to any appellate court of Alabama. The cost of said appeal shall be taxed against the unsuccessful party. If any employee shall wilfully refuse or fail to appear before any Board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any question relating to the affairs of government or the conduct of any officer or employee on the ground that his testimony or answers would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify and shall not be eligible for appointment to any position under the jurisdiction of this Act. An appointing authority may, from time to time, peremptorily suspend any employee without pay or other compensation, and without the right of a hearing, as punishment for improper behavior, but any one suspension shall not exceed five days and the total suspension by such appointing authority of such person shall not exceed ten days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing authority of written charges setting out clearly the delinquency for which such suspension was made, a copy of which must be at the same time mailed or delivered to the Director. The suspended employee shall have the right to file with the Board

and the appointing authority a written answer or explanation of such charges. Any employee suspended without right to a hearing before the Board may obtain a review of his or her suspension by the appointing authority by filing with the appointing authority not more than ten days thereafter a written answer to such charges and a request for such review. A hearing shall be held thereon not more than twenty days thereafter to determine whether such suspension should be rescinded. At any such hearing such employee may be represented by counsel and present relevant testimony. The appointing authority may authorize a representative to conduct such hearing and submit within five days thereafter a finding of facts and law together with recommendations to the appointing authority. Within a period of ten days after such hearing the appointing authority may rescind all or any part of such suspension. A suspended employee shall be entitled to full salary for any period of suspension rescinded hereunder."

Section 2. That all laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 680

H. 499—Andrews

AN ACT

To amend Section 12 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945 (General Acts of Alabama, Regular Session 1945, p. 376 et. seq.), to provide for a Pay Plan whereby Merit System Employees may receive Salary increases.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 12 of Act No. 248 of the Legislature of Alabama of 1945, as heretofore amended, by Section 656 to be and said Section is hereby further amended to read as follows:

Section 12. Pay Plan: The Direction of Personnel shall Establish after consultation or offer of consultation with the governing bodies affected, a salary schedule for all positions which shall contain a minimum rate, a maximum rate and such intermediate rates as are deemed necessary by the Personnel Board which shall become effective within thirty days after

submission to the governing body concerned, provided that the governing body of each county and municipality affected hereby may raise or lower such schedule by applying the same percentage increase or decrease, or flat sum of increase or decrease, or any combination thereof, to each position in the entire schedule; provided, however, no governing body shall raise such entire schedule within twelve months immediately preceding any primary or general election in which the members of the said governing body are to be elected, except upon the approval of the Personnel Board, provided further that any office or position created by an act of the legislature or by a municipality or county authority, subsequent to the passage of that certain act of the legislature, Act No. 248, approved July 6, 1945, (General Acts of Alabama, regular session 1945, page 376) 'Sections 645 and 672 of this subdivision', the personnel director shall survey the duties and responsibilities of such office or position, and submit his findings to the Personnel Board, and the salary for such office or position shall be fixed by the Personnel Board. Provided, further that the Personnel Board shall advise the governing body of the county or municipality of the salary fixed for such office or position. Changes in the salary schedule of one class or a number of classes less than all may also be made by order or resolution of a governing body as follows: A certified copy of such order or resolution shall be filed with the Personnel Board, and unless the said resolution or order be disapproved by said Personnel Board within thirty days after the date of filing of such certified copy the same shall be valid and operative according to its terms. If, however, said Personnel Board should disapprove such resolution affecting less than all classes within such thirty days, such resolution shall be invalid and of no legal effect. Provided, by proper rules, regulations, and orders for the advancement of salary within each class or grade on the basis of efficiency and length of service. It shall be unlawful for an appointing authority or disbursing officer to pay or cause to be paid a salary to any employee greater than or less than the salary to which such employee is entitled to so receive. Such salary schedules, classes and grades may from time to time be amended, added to, consolidated or abolished by the Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 681

H. 505—Waggoner

AN ACT

"To authorize the sheriff of all counties in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal decennial census to employ an executive assistant. To prescribe the duties of such executive assistant and to set the salary of such executive assistant. To authorize, empower, and direct the governing body of such county to pay the salary of such executive assistant."

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Sheriff of any county in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal decennial census is hereby authorized to employ an Executive Assistant.

SECTION 2. The duties of such Executive Assistant shall, in addition to advising and assisting the Sheriff, be in charge of Public Relations, auxiliary forces which shall include Reserve Deputies and Air Support Units.

SECTION 3. The salary of such Executive Assistant shall be \$24,500 per annum, payable in equal monthly installments.

SECTION 4. The county governing body of such county is hereby authorized, empowered, and directed to pay the salary of such Executive Assistant from his regular pay roll fund.

This Act shall become effective upon its' approval by the Governor or otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 682

H. 506—Biddle, Waggoner, Gafford, White,
Andrews, Trammell, Moore (O),
Falkenburg

AN ACT

To fix the compensation or salary of the sheriff of all counties having a population of six hundred thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The base salary of the sheriff of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census is hereby

fixed at thirty-five thousand dollars (\$35,000) per annum, payable in equal monthly installments. The base salary provided for herein shall be the entire compensation of the sheriff, in lieu of all other compensations. All fees, commissions, percentages and allowances collectible out of the sheriff shall be collected and paid into the general fund of the county.

Section 2. The salary of said sheriff now in effect shall remain the same until the expiration of the present term of office of such sheriff and the base salary provided in this Act shall take effect at the beginning of the next term of office of such sheriff.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1979.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 683

H. 913—Hilliard, Tucker

AN ACT

To amend Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688) pertaining to additional unlawful acts in counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decennial census, in regard to the sale of table wine, so as to make the unlawful acts in said counties conform to the general law of Alabama governing the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 1053, H. 1901 of the 1973 Regular Session of the Legislature (Acts 1973, Vol. III, p. 1688), entitled "Relating to all counties having populations of not less than 500,000 according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold", is amended as follows:

"SECTION 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, no table wine shall be sold during the hours on

Sunday when the sale of alcoholic beverages is unlawful and no table wine shall be sold on any primary election day, general election, special election or municipal election day until after the time fixed by law for the closing of polling places.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 684

H. 953—Falkenburg, Waggoner

AN ACT

TO FURTHER AMEND SECTIONS 5, 10, 12, 15, 16, 18 and 22 OF AN ACT DESIGNATED AS ACT #248 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1945, APPROVED JULY 6, 1945 (GENERAL ACTS OF THE LEGISLATURE OF ALABAMA OF 1945, pp. 376-400) AS HERETOFORE AMENDED RELATING TO CREATING AND ESTABLISHING IN COUNTIES HAVING A POPULATION OF 400,000 OR MORE ACCORDING TO THE LAST OR ANY FUTURE FEDERAL CENSUS, A COUNTYWIDE CIVIL SERVICE SYSTEM.

Be It Enacted by the Legislature of Alabama:

SECTION 1: That Section 3 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) and as amended by Act No. 636 of the Legislature of Alabama of 1967 (General Acts of 1967, page 1446) be, and the same is hereby amended so as to read as follows:

SECTION 3. Membership of personnel board. Said personnel board shall consist of three members designated respectively as member number one, member number two and member number three, each of whom shall be over twenty-one years of age, of recognized character and ability, a bona fide resident and qualified voter of such county and shall not, when appointed, nor for the three years then last past before the date of his appointment have held public office or political party office, nor have been a candidate for such and who shall not directly or indirectly have solicited membership on such board, provided that in any county which is or may hereafter be divided by law into two divisions for the trial of cases in the circuit court of such county, not more than two members of the board shall be residents of the same division. The board shall meet once a month on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of

its business. Members number one, two and three shall be appointed by the citizens supervisory commission of such county, which commission shall likewise appoint their successors. In all counties becoming subject to the provisions of this Act said board shall be appointed as soon as it is determined that such county is in the population class subject to this Act. Member number one who shall be the chairman of the board shall hold office for a term of two years and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms as distinguished from the possible holdover terms of their respective predecessors. Member number two shall hold office for a term of four years and until his successor is appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms of their respective predecessors. Member number three shall hold office for a term of six years and until his successor has been appointed and has qualified. His successors shall hold office for terms of six years each beginning at the ends of the legal terms, as distinguished from the possible holdover terms, of their respective predecessors. In the event of a vacancy on the board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the citizens supervisory commission for the then unexpired term. The chairman of the board shall receive seventy five dollars for each meeting of the board attended by him and seventy five dollars per day for attendance upon trials and hearings, subject to the limitations set forth below. Each member of the board other than the chairman shall receive fifty dollars for each meeting of the board attended by him and fifty dollars per day for attendance upon trials or hearings, subject to the limitations set forth below. This compensation shall be paid as salaries of county employees are paid on the warrant of the member claiming such compensation.

SECTION 2: That Section 5 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947 (General Acts of the Legislature of Alabama of 1947, pages 222-229), as amended by Act No. 17, approved January 27, 1956 (General Acts of the Legislature of Alabama First Special Session of 1956, pages 32-37), as amended by Act No. 97, approved April 14, 1956, (General Acts of the Legislature of Alabama First Special Session of 1956, pages 414-419) as amended by Act No. 476, approved September 6, 1957, pages 653-659, as amended by Act No. 591, approved September 8, 1967 (General Acts of the Legislature of Alabama of 1967, pages 1366-1378), as amended by Act No. 1238 approved September 13, 1969

(General Acts of the Legislature of Alabama of 1969, page 2335) be, and the same is hereby amended so as to read as follows:

Section 5. Citizens supervisory commission. There shall be a citizens supervisory commission of not less than five persons for each county subject to this Act which shall consist of the persons who now are, and who from time to time shall be: (1) The presidents, or other chief executive officers by whatever name called, of institutions of high learning not operated for profit and offering two or more years of instruction in a general level curriculum, if there be any in such county. (2) The president, or other chief executive officer, of the association, group, or society if there be one in such county, comprising within its membership at least fifty-five per cent of the licensed practicing physicians, resident in such county, and provided that not less than ninety per cent of the membership of such association, group, or society shall consist of licensed physicians, and provided that any reputable citizen of such county who shall be licensed by the State of Alabama to practice medicine and who shall have paid his state and county license fee to practice shall, under the rules of such association, group or society, be eligible to membership therein. (3) The president, or other chief executive officer, of the trades council, group, society, or association, if there be one in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, provided that no union or other labor organization shall be counted for the purposes of this Act as affiliated with more than one such trade council group, society, or association in such county, and provided that if there be no council, group, society or association in such county with which is affiliated more than one-half of the unions or other organizations of the workers in the organized trades and crafts in such county, then the council, group, society, or association having the largest affiliation of such unions or organizations shall be here designated. (4) If there be in such county as many as three or more trades, crafts, groups, or division of workers, who are organized into what are commonly known as labor unions or organizations whose organizations are not affiliated with the trades council, group, society, or association described in the subparagraph (3) immediately preceding this subparagraph, then such organized crafts, groups, or divisions of workers may in any manner agreeable to the majority of the presidents, or other chief executive officers, of the locals of such non-affiliated labor organizations located in such county select one of such presidents, or other chief executive officers, as a member of the citizens supervisory commission who shall remain a member of such commission as long as his electors shall

designate. This subparagraph shall be applicable solely to the county as a whole and not to the separate cities therein. (5) The president or other chief executive officer of the chamber of commerce, or other most nearly similar organization, of the largest city subject to this Act in such county; provided, however, if there be two court houses in any such county, then the president or other chief executive officer of the chamber of commerce or other most nearly similar organization of the largest city subject to this Act in each division of said county, provided that by 'chamber of commerce' is meant an organization to membership in which any reputable man engaged in mercantile, manufacturing, banking, jobbing, or similar businesses is eligible, and which most nearly of all organizations in such city regardless of name performs the functions of such organizations as are commonly known as chambers of commerce. (6) The president or other chief executive officer of the junior chamber of commerce or other most nearly similar organization of the largest city subject to this Act in such county, provided that by junior chamber of commerce is meant an organization substantially similar to chambers of commerce as defined hereinbefore, except that membership therein may be restricted by an age qualification, and if there be no organization in such city substantially like a junior chamber of commerce, representation for such city under this classification shall fail. (7) The president, chairman, or other chief executive officer, of any county-wide council, group, society or association of Posts of the American Legion. By Posts of the American Legion is meant a local organization with its meeting place in such county of persons who are residents of Alabama, and who actually served as soldiers, sailors or marines in the armed services of the United States of America. If at any time there be no such county-wide organization of such posts, then the president, chairman, commander or other chief executive officer of the post in the county which as of the first day of January of each year has the largest bona fide membership. (8) The president, or other chief executive officer by whatever name called of any council of parent-teacher associations of the entire county school system. (9) The president, or other chief executive officer, of the engineering council of the engineers' club having the largest membership of any engineers' club in the county, if there be such club or clubs in the county. (10) The president or other chief executive officer, of the county farm bureau of such county, if there be one. (11) The probate judge of such county. (12) The occupant of a position in the classified service of such county. Such commission member shall be elected in October of each year by the classified employees of such county, and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member may

succeed himself for one year only. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. For the purposes of this section all classified employees of the county board of health, subject to this Act shall be considered as holding positions in the classified service of such county. (13) The occupant of a position in the classified service of a municipality in such county. Such commission member shall be elected in October of each year by the classified employees of all municipalities subject to this Act, and his term as commission member shall begin November 1st thereafter and terminate October 31st in the next succeeding year. Such commission member may succeed himself for one year only. Every such election shall be fairly noticed and held. Such election shall be called and conducted by the chairman of the commission. No employee of any municipal police or fire department as a member of the commission, and no employee of any other municipal department shall succeed an employee of the same municipal department as a member of the commission, and no single municipality shall have employee representation upon the commission for more than three successive terms. Vacancies on the commission due to death, resignation or any other cause shall be filled in the same manner that the member whose position is vacant was designated or elected. In the event one or more of the foregoing persons fail or refuse to serve, such fact shall not invalidate the acts of the commission, provided as many as five members of the commission serve. A majority of the persons serving as members of the commission shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules and regulations of the commission. Each member of the commission, subject to this Act shall be paid a per diem of ten dollars for attending a meeting of the commission. These expenses and the cost of giving notice of meeting shall be paid as other expenses of the personnel system are paid. The commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch in an orderly manner its business. The probate judge shall be chairman of said commission and shall have a vote only in case of a tie. He shall also examine and pass upon the credentials and right of each person presenting himself for membership on said commission to sit thereon both at the organizational meeting and at all subsequent meetings. Provided, however, it shall be the duty and responsibility of each organization which has a representative on this commission to present the proper credentials and qualifications of their representative to the probate judge, and it shall be the duty of the probate judge to keep or cause to be kept a permanent record of such

credentials and qualifications. The probate judge shall discharge his duties hereunder, under the sanction of his oath as judge of probate and he shall administer the oath of office to the other members of such commission prescribed by Section 279 of the constitution of this state. The chairman may call upon the sheriff of the county or any deputy sheriff thereof, to attend the meetings of the commission and preserve order and execute the decisions, rulings and orders of the commission and of the chairman thereof. Provided, that if for any reason the probate judge is unable to attend because of illness or otherwise, the chief clerk to the probate judge shall act as chairman and shall be clothed with the same authority and responsibilities as are herein provided for the probate judge. The chairman may punish for contempt of the commission in like manner and extent as may be done if the circuit courts of this state. The chairman of the commission shall be the keeper and custodian of the minutes, records, property and paraphernalia of the commission, and may call upon the director of personnel to furnish him such clerical assistance, supplies and place of safe deposit for such records and property as he deems necessary. The chairman or the director of personnel under his supervision shall establish and keep in the office of the director of personnel a roster of the membership of the commission by place, office or position, and keep as nearly as possible up to date the changes in the persons occupying such places, offices or positions, and it shall be the duty of each person vacating a place, office or position which entitled him to a seat on such commission to notify the chairman of the name and address of the person who in his opinion, is, under the law his successor on such commission. At the organizational meeting all persons ruled eligible by the chairman to sit on said commission shall be seated as such and shall vote on all questions arising at such meeting. At any time after the organizational meeting has adjourned, any citizen of such county may file with the chairman of the commission written objection to the right of any person to sit on said commission. Such objection shall be based on the sole ground that such person is not one of those designated by this Act for membership on such commission. The chairman shall rule upon said objection in writing and the first order of business at the next meeting of the commission shall be a report by the chairman of the objections and his ruling thereon. If no member of the commission other than the person affected by such ruling appeals from the ruling of the chairman, his ruling shall be final; if any appeal is made from the ruling of the chairman, all persons then seated, except the member affected shall be entitled to vote on said appeal. In all matters a majority vote of the commission present, if a quorum be present, shall govern. The commission shall, except as herein otherwise provided, be the judge of the qualifications

of its own membership. In addition to the original organizational meeting herein prescribed, the commission shall meet twice each year. One of such semi-annual meetings shall be held at noon on the third Tuesday in May and the other at noon on the third Tuesday in November. At the semi-annual meeting in November the commission shall receive the annual report of the personnel board. At each semi-annual meeting the commission shall make such recommendations to the personnel board as it shall deem in the interest of the sound administration of this Act in such county and shall fill any existing vacancy on the board, and shall elect a successor to any member of the board whose term will expire before the next semi-annual meeting of the commission. At each semi-annual meeting, also, the commission shall review rules of the personnel board promulgated since the last semi-annual meeting of the commission, and may repeal any such rule of the personnel board which it may deem not in the interest of the sound administration of this Act in such county, but shall not have power to amend any such rule or to promulgate any new rule within the province of the personnel board to adopt according to the provisions of this Act. The word "rule" shall not be construed to mean orders, actions or decisions of the personnel board made in the administration of this Act. The chairman of the commission or any five members thereof may call a meeting of the commission at the court house at the county site of the county, at noon on any Tuesday they deem it in the public interest for it to meet. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the commission or known to be such and published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in such county; if no such paper is published in the county, then by posting in a public place in the main and each branch court house in the county and in the city hall of each city in the county subject to this Act more than five days before such proposed meeting. Notice of each semi-annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either semi-annual or special, shall not invalidate it. Failure to call a semi-annual meeting shall not invalidate it. The members of the personnel board shall be subject to impeachment for the same causes and in the same manner as other county officers, as provided under Section 175 of the Constitution of Alabama.

SECTION 3. That Section 10 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be, and the same is hereby amended so as to read as follows:

Section 10. Status of present and future employees. In the event that it both happens (1) that a municipality or other appointing authority shall hereafter become subject to the provisions of this subdivision and (2) that at the time such municipality or other appointing authority becomes subject to the provisions of this subdivision it then has in its employ employees or appointees who would come within the classified service as defined in this subdivision, the board in its discretion may extend or grant permanent status to any or all such employees or appointees. The board in its discretion may extend or grant permanent status to any or all employees or appointees employed or appointed by the county board of health or the board of registrars, municipality, or other appointing authority at the time this subdivision becomes effective including appointees of employees who are absent by reason of military service of the United States. The personnel board shall also have the authority to take into account in determining the rights, privileges, benefits and liabilities of employees or appointees of said appointing authorities the previous records of such employees and appointees in their employment by said respective employer. Whenever the appointment or employment of new or additional officers or employees of such counties, municipalities or appointing authorities, therein, is hereafter authorized by law, such officers or employees shall be subject to the provisions hereof and included within the county and municipal civil service unless of a class excepted herein.

SECTION 4. That Section 12 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), as amended by Act No. 345, approved August 15, 1947, (General Acts of the Legislature of Alabama of 1947, pages 222-229), as amended by Act No. 657, approved September 16, 1953 (General Acts of 1953, page 916), as amended by Act No. 591, approved September 8, 1967 (General Acts of the Legislature of Alabama of 1967, pages 1366-1378), be, and the same is hereby amended so as to read as follows:

Section 12. Duties of personnel director. The director of personnel subject to the provisions of this subdivision and approval of the personnel board shall: Appoint or remove such subordinates as may be necessary to administer a scientific and economical personnel system and fix their compensation. If at any time the citizens supervisory commission recommends that the number of such subordinates or their compensation be reduced, such recommendation shall be immediately put into effect. Prepare and submit to the board for its consideration and approval such forms, rules and regulations as are necessary to carry out the provisions of this subdivision including the rules governing examination, appointments, suspensions, dis-

missals, certification of eligibles, reduction in force, sick leave, leave of absence, resignation, reinstatements, promotions, demotions, transfers, salary adjustments, and any and all other rules and regulations necessary for administering a scientific and economical personnel system. Such rules and regulations must be approved by a two-thirds majority of the personnel board before becoming effective after which they shall have the force and effect of law unless they are contrary to the provisions of this subdivision. Enforce the provisions of this subdivision and the rules and regulations prescribed by the personnel board. Any act of the director complained of shall be subject to review by the board upon the written request to the board of any person at interest. Keep the minutes of the official actions of the personnel board. Classify or direct the classification of all positions to be held under either municipal or county authority in accordance with the provisions of this subdivision and in accordance with the duties attached to such positions. At least once every five years, grade and classify or direct the grading and classification of all positions in the county and in each city in the county and for each appointing authority with respect to salary to the end that each employee shall receive the same compensation as all other employees of the said county or city or appointing authority receive for the same grade and class of service. The question of whether or not an employee has been assigned to the proper class and grade shall be a matter subject to the decision of the board. Establish, after consultation with the governing bodies affected, a pay plan and salary schedule for all positions which shall contain a minimum rate, a maximum rate and such intermediate and premium rates as are deemed necessary by the personnel board, which shall become effective within thirty days after submission to the governing body concerned, provided that the governing body of each county and municipality affected hereby may raise or lower such schedule by applying the same percentage of increase or decrease to the entire schedule, provided, however, no governing body shall raise such entire schedule within twelve months after the adoption of a new salary schedule, nor within twelve months immediately preceding any primary or general elections in which the members of the said governing body are to be elected, except upon the approval of the personnel board, provided further that any office or position created by an Act of the Legislature, or by a municipality, or county authority, subsequent to the passage of that certain Act of the Legislature, Act No. 248, approved July 6, 1945, (General Acts of Alabama, Regular Session 1945, page 376) the personnel director shall survey the duties and responsibilities of such office or position, and submit his findings to the personnel board; and the salary for such office or position shall be fixed by the personnel board. Provided further, that the personnel board shall advise

the governing body of the county or municipality of the salary fixed for such office or position. Changes in the salary schedule of one class or a number of classes less than all may also be made by order or resolution of a governing body as follows: A certified copy of such order or resolution shall be filed with the personnel board, and unless the said resolution or order be disapproved by said personnel board within thirty days after the date of filing of such certified copy the same shall be valid and operative according to its terms. If, however, said personnel board should disapprove such resolution affecting less than all classes within such thirty days, such resolution shall be invalid and of no legal effect. Provide, by proper rules, regulations, and orders and special provisions in the pay plan for the advancement of salary within each class or grade on the basis of efficiency and length of service, and for other special conditions and premium rates of pay. It shall be unlawful for an appointing authority or disbursing officer to pay or cause to be paid a salary to any employee greater than or less than the salary to which such employee is entitled to so receive. Such pay plan and salary schedules, classes and grades may from time to time be amended, added to, consolidated or abolished by the board. Enforce the provisions of this subdivision and the rules and regulations prescribed by the personnel board. Any act of the director complained of shall be subject to review by the board upon the written request to the board of any person of interest. Keep the minutes of the official actions of the personnel board.

SECTION 5. That Section 15 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be and the same is hereby amended so as to read as follows:

Section 15. Official roster. The director of personnel shall keep in the personnel office an official roster of all persons holding positions under the provisions of this subdivision and shall enter thereon the name of each person who has been appointed to, promoted, reduced, transferred, reinstated, or removed from or left any position and require such evidence as may be deemed satisfactory as to whether such person was appointed to, promoted, reduced, transferred, reinstated or removed from such position in accordance with the provisions of this subdivision and the rules and regulations of the personnel board thereunder, and as to when and why and how such action was taken. The official roster shall show opposite or in connection with each name of appointment, promotion, reduction, transfer or reinstatement, rate of compensation of the position, the date of commencement of service and change in or separation from position, and when and why and how such

change or separation occurred. The director may prescribe the manner, forms and procedures necessary to establish and maintain such employment history.

SECTION 6. That Section 16 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be, and the same is hereby amended so as to read as follows:

Section 16. Examinations: The director shall prepare and conduct examinations to determine the merit, efficiency and fitness of applicants for positions. Such examinations shall be thorough and practical and shall relate to those matters which fairly test the relative capacity and fitness of the person examined to discharge the duties of the position he seeks. Whenever there is a vacancy in a position in the Classified Service where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by the selection of some designated persons of high and recognized attainments in such qualities, the board, upon recommendation of the director, may suspend the examination requirements in such case, but no suspension shall be general in its application to such place or position, and all cases of suspension with the reasons for such action in each case shall be reported to the citizens supervisory commission at its next regular meeting. In the case of laborers, or semi-skilled occupations, the director may rate the applicants solely on experience, physical qualifications and diligence which may be determined by such evidence and in such manner as may be directed by the board. Such applicant may be required to take such further tests as the director with the approval of the board deems necessary. The director shall prepare a list of minimum requirements which the applicants must possess before they are eligible to participate in any specific examination. He shall determine the relative weight which shall be allowed for written examinations, for oral examinations and for training and experience. The director shall require an applicant to file in the personnel office, in accordance with the rules and regulations, a formal application before he is admitted to any examination. Blank forms for such applications will be furnished by the director. The director may require in connection with applications, such evidence of residence, citizenship and right to vote and certificates of physicians, public officers, former employers or associates or others having knowledge of the applicant as the good of the service may require. The director may refuse to examine, or after examination refuse to certify as eligible, anyone who is found to lack any of the

established minimum requirements for the examination or position for which he applies or who is physically so disabled as to be unfit to perform the duties of the position to which he seeks appointment or who has been guilty of crime involving moral turpitude, or infamous or disgraceful conduct or who has been dismissed from the public service for delinquency or misconduct or who has intentionally made a false statement of any material fact or practiced or attempted to practice any deception or fraud in his application, in his examination or in securing his eligibility. Any person appointed to a position who has secured his place on the eligible list through fraud shall be removed by the appointing officer and shall not thereafter be eligible for examination for any position except by unanimous permission of the board. An eligible list containing the names of all persons who successfully passed the examination, ranked in order of their final earned average, from highest to lowest, shall be established as a result of each examination. The effective term of each list shall be fixed by the board at not less than one year. No person shall wilfully or corruptly make a false mark, grade, estimate or report on an examination or with respect to the proper standing of any person examined under this Act or wilfully or corruptly make any false representation concerning the same or concerning any person examined or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment or promotion of any person so examined or to be examined. Any person guilty of the above acts shall be deemed guilty of a misdemeanor.

SECTION 7. That Section 18 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400), be, and the same is hereby amended so as to read as follows:

Section 18. Appointments: Vacancies in the classified service shall be filled either by transfer, promotion, appointment, reappointment or demotion. Whenever a vacancy in an existing position is to be filled by appointment the appointing authority shall submit to the director a statement of the title of the position, and if requested by the director to do so, the duties of the position and desired qualifications of the person to be appointed, and a request that the director certify to him the names of persons eligible for appointment to the position. The personnel board shall adopt appropriate rules and regulations governing all appointments to vacancies in the classified service to the end that such rules shall comply with the law and serve the public interest. In the event that a jurisdiction accepts and utilizes Federal funds for the creation of public employment opportunities, such positions when budgeted on a full time basis for twelve months, shall be treated as any other

regular position in the classified service. Should the applicable Federal regulations controlling the use of such funds prescribe the unusual or exceptional prerequisites for employment in said program, the director subject to approval of the board, may prescribe the manner in which the position shall be filled and related conditions of employment. If it should prove impossible to locate any of the persons so certified or should it become known to the director that any person is not willing to accept the position, the appointing authority may request that additional names be certified. Within ten days after such names are certified the appointing authority shall appoint one of those whose names are certified to each vacancy which he is to fill. When a new position is created by the governing body the appointing authority shall notify the director of the duties of the position and the desired qualifications of the person to be appointed. If there is no appropriate eligible list from which certification can be made, the director shall establish such a list within forty-five days after receipt of the request and no provisional appointment shall be authorized within that time except with the unanimous approval of the board. The appointing authority shall report to the director the name of the person appointed, the effective date of appointment, and such other information as may be required. The names of the remaining eligibles certified shall be returned to the eligible list for certification to the next vacancy which may occur. The name of an eligible may be removed from the eligible list after it has been certified and refused three times. All appointments shall be made for a probationary period of twelve months. During such period the appointing authority may remove an appointee upon filing with the director, in writing, his reasons for such action which action shall not be reviewable. After the expiration of the probationary period the employees shall have earned permanent status subject to the provisions of this subdivision as to removals, suspensions and changes. No person shall be appointed under any title not appropriate to the duties of the position to which he is appointed except by the consent of the director. When the position to be filled involves fiduciary or financial responsibility or law enforcement, the appointing power or the board may require the applicant to furnish a reasonable bond or other security in an amount and form to be fixed by the appointing authority subject to the approval of the board provided that where the amount and terms of such bonds are now prescribed by law, such provision of law shall remain in effect. Said bond or security shall be approved by the appointing power and kept by it and conditioned as it prescribes unless otherwise now provided by law. The appointing authority in all cases not excepted or exempted under the provisions of this subdivision or the constitution of the state shall fill positions in the county or municipalities therein, by appoint-

ment, including cases of transfer, reinstatement, promotions and demotions, in strict accordance with the provisions of this subdivision and the rules and regulations prescribed from time to time hereunder and not otherwise. Provided that the director shall not certify for appointment the names of non-citizens of the county, so long as there are citizens thereof eligible for appointment. In the event an appointing authority fails or refuses to fill a vacancy in an existing position from a certified list of eligibles the director may refuse to certify the payroll, voucher or account of any eligible person found to be performing the duties of said position. When there is no eligible list from which a vacancy in an existing position may be filled, the director may certify to the appointing authority the names of all persons who have filed notice of their intention to take an examination appropriate to the position, and who after investigation appear to have had experience or training which qualify them for the position, and a provisional appointment from among the number may be made by the appointing authority pending the establishment of an eligible list. No provisional appointment shall be continued for a period of over ten days after the establishment of an eligible list and in no event shall be continued for a longer period than four months. During present war emergency period the director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. Such appointment shall be for not longer than the duration of the present war emergency plus six months, and shall give persons so appointed no status in the Classified Service by reason of such duration appointment.

SECTION 8. That Section 20 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) as amended by Act No. 283, approved August 12, 1947 (General Acts of 1947, pages 142-143) be and the same is hereby amended so as to read as follows:

Section 20. Promotions. Within the discretion of the director of personnel, vacancies in positions shall be filled, in so far as practicable by promotion from among employees holding positions in the classified service. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his records of efficiency. Upon receipt of a Requisition for Certification from an Appointing Authority, the Director shall thereupon certify, to the Appointing Authority, the names of the three ranking eligibles from the most appropriate register, and if more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy. However, in case of a vacancy in a position which requires peculiar and particular training and experience which, in the judgment of the board, may be properly acquired in the office of department in which the vacancy exists

but not elsewhere, and it can be shown to the satisfaction of the board that there is in such office or department an employee who was regularly appointed and who is serving in a lower or different class or position following regular appointment, and whose familiarity with the duties of the position vacant and whose ascertained merit in performing or assisting in such work make it desirable for the best interests of the service to suspend competition, the board may, after a public hearing, approve the promotion of such employee, either without examination or with such tests or evidence of fitness as the board may see fit to require. Notice of the public hearing held under this section shall be given by mailing or delivering a copy of the notice to each governing body and/or appointing authority and/or department head affected, and by posting a copy of said notice publicly in the office of the board for at least three days prior to said hearing. All such cases shall be fully set forth in the minutes of the board. No suspension of competition for promotion authorized under this section shall be general in its application to such place or position and all such cases of suspension with the reasons for such action in each case shall be reported to the citizens supervisory commission at its next regular meeting. When promotional examinations are given, all employees who attain a passing grade shall have added to that grade one point for each year of service up to and including twenty years, irrespective of whether such service is continuous or not.

SECTION 9. That Section 22 of Act No. 248 of the Legislature of Alabama of 1945 (General Acts of 1945, pages 376-400) as amended by Act No. 562, approved October 9, 1947 (General Acts of 1947, page 398), as amended by Act No. 670, approved September 16, 1953 (General Acts of 1953, pages 926-927), and as amended by Act No. 1600 (General Acts of 1971, page 2754) be, and the same is hereby amended so as to read as follows:

Section 22. Dismissal, demotions and suspension. An appointing authority may dismiss or demote an employee holding permanent status for just cause whenever he considers the good of the service will be served thereby, for reason stated in writing, served on the affected employee, and a copy furnished to the Director, which action shall become a public record. The dismissed or demoted employee may within ten days after notice, appeal from the action of the appointing authority by filing with the board and the appointing authority a written answer to the charges. The board must order a public hearing of such charges. The hearing may be before the board or a hearing officer appointed by the board. If the matter is heard by a hearing officer appointed by the board, he shall take

testimony offered in support and denial of such charges and from the same submit to the board, within five days, a finding of facts and law involved and a recommended decision. The board at its next regular meeting or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the personnel board hears said charges, it shall make up and file its own findings and decision. In addition to removal or demotion by an appointing authority, an employee may be removed, demoted, suspended, or otherwise disciplined in the following manner: Charges may be filed by any officer, citizen or taxpayer of the state with the director who shall within five days cause a copy to be served upon the person complained against and the board shall set a day not more than twenty days after such charges have been served on such employee for a public hearing of such charges. The hearing may be before the board or by a hearing officer appointed by the board for that purpose. An employee may also be removed, demoted, suspended or otherwise disciplined upon charges made by the director and referred to the board based upon investigation conducted upon his own initiative or upon complaints referred to the director by a member of the personnel board when the director after such investigation shall be reasonably satisfied that such charges are warranted. Charges preferred by the director shall be served and a public hearing held by the board within the time and in the manner prescribed where charges are preferred by an officer, citizen or taxpayer of this state. Any interested party at hearing may be represented by counsel. All proceedings at the hearing shall be recorded by a competent stenographer or mechanical recording device. In all disciplinary appeal hearings, the board shall render its opinion and decision in accordance with this section of the law. If the board finds the employee not guilty, the board shall order the reinstatement of the employee under such conditions as the board may determine. If the board finds the employee guilty, the board shall determine whether the employee shall be dismissed, demoted, suspended or otherwise disciplined. The board's decision shall be certified to the appointing authority who shall forthwith put the same into effect. The decision of the board based upon all proceedings before the board shall be final subject to appeal by either party to the circuit court to review questions of law and the question of whether or not the decision or order of the board is supported by the substantial and legal evidence. On such appeal the circuit court shall review the record and shall affirm, reverse, remand or render said cause. The decision of the board shall be controlling until reversed on appeal as provided for herein. The appeal shall be

perfected by filing with the director of personnel a statement in writing signed by the party appealing to the effect that said party appeals from the decision or order of the personnel board to the circuit court, which statement shall be filed within ten days from the announcement of the decision or order of the personnel board; provided further, that the party taking an appeal shall file with the clerk of the circuit court security for costs in an amount approved by any judge of said circuit court, which security for costs may consist of a cash deposit or a bond executed by such party appellant and a surety or sureties approved by the said circuit clerk. Such security for costs shall be filed by the party taking the appeal within ten days from the announcement of the decision or order of the personnel board. Within ten days from the filing of such statement of appeal the director of personnel shall forward to the circuit clerk the original or copies of charges preferred and the answer filed to such charges and a complete transcript of all the proceedings before the personnel board at such hearing. In the event the director is unable to complete such transcript of all the proceedings within ten days, the presiding judge of the circuit court shall allow the director such additional time as may be necessary to do so. In the event copies of said charges and answer are forwarded to the circuit clerk instead of the originals, the director of personnel shall certify that said copies are true and correct copies of the originals. The personnel board shall make no charge for furnishing the copy of the record required by the circuit court.

Upon receipt of said papers the circuit clerk shall present the same to the presiding judge of the circuit court or the circuit judge sitting in place of the presiding judge if the regular presiding judge be absent; and the presiding judge or the judge sitting in his absence shall assign the case so appealed to three circuit judges of said circuit who shall jointly review the record of the hearing before the personnel board. The presiding judge or the judge sitting in his absence in the order assigning such case for review shall designate one of the three judges to whom the case is assigned as presiding judge of such panel. Any such appeal shall be considered and determined as a preferred case in the circuit court. The opinion of a majority of three judges to whom such case is assigned shall be determinative of the case and there shall be no appeal to any appellate court of Alabama. The cost of said appeal shall be taxed against the unsuccessful party. If any employee shall wilfully refuse or fail to appear before any board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or answer any question relating to the affairs of government or the conduct of any officer or employee on the ground that his testimony or answers would

tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, he shall forfeit his position and shall not be eligible for appointment to any position under the jurisdiction of this Act. An appointing authority may, from time to time, preemptorily suspend any employee without pay or other compensation, and without the right of a hearing, as punishment for improper behavior, but any one suspension shall not exceed five days and the total suspension by such appointing authority of such person shall not exceed ten days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing authority of written charges setting out clearly the delinquency for which such suspension was made, a copy of which must be at the same time mailed or delivered to the director. The suspended employee shall have the right to file with the board and the appointing authority a written answer or explanation of such charges.

SECTION 10. Severability. If, for any reason, any clause, sentence, subsection or section, or any provision of this Act, or the application thereto to any person, body, situation or circumstance is held invalid or inoperative, the remainder of this Act and the application thereof to any other person, body, situation or circumstance shall not be affected thereby.

SECTION 11. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 685

H. 1082—Hilliard

AN ACT

Relating to counties with populations of more than six hundred thousand; allowing said counties to grant ad valorem tax exemptions from county ad valorem taxes for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of any cities located in said county; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. All counties having populations of more than six hundred thousand, according to the last or any succeeding federal decennial census, may henceforth grant ad valorem exemptions as to all county ad valorem property taxes to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of any cities located in said county for up to fifteen years, upon the terms and conditions as hereinafter provided for.

Section 2. In order to qualify for the ad valorem tax exemptions provided for in Section 1, the owner-developer must file an application with such county in accordance with procedures heretofore established by the governing body of such county, setting forth the improvements proposed to be made, the valuations established for assessment of ad valorem taxes in each of five preceding calendar years, the abatement property tax that will be paid during the period of tax exemption, which abatement tax shall not be less than the then effective combined total ad valorem tax rate applicable to property situated in any such city. Pursuant to said application, the governing body of such counties is hereby authorized to grant the exemption provided for in Section 1 for any period up to fifteen (15) years upon condition that an abatement property tax in an amount not less than that provided for in the first sentence of this section be paid to such county in the manner in which ad valorem taxes levied by such county are paid.

Section 3. The tax exemption herein provided for shall be effective as to all taxes due to be paid on said property after the substantial completion of the improvements proposed in the application heretofore as evidenced by the certificate of the building inspector or like officer of said county, which certificate, together with a certified copy of the resolution adopted by the governing body of such county and the acceptance of the terms thereof, in writing acknowledged in the form required by law for the taking of acknowledgments for deeds of real property, shall be filed in the office of the Probate Judge of the county in which the real property is situated and in the office of the tax assessor or like officer of such county.

Section 4. At the end of the exemption period, or in event of failure of the owner to pay the abatement property tax herein provided for on or before the delinquent tax date such property shall be assessed and taxed in the same manner as other property within the county.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 686

H. 1259—Boles

AN ACT

Applying to every County of the State having a population of 500,000 or more according to the last or any subsequent Federal Census; to provide that no member, director, officer or trustee as a member of the Board of Trustees of any public corporation created in any such County pursuant to Act No. 46 of the Regular Session of the Legislature of Alabama of 1949, approved June 2, 1949 (Ala. Acts, 1949, pp. 68-73), as amended, (which appears as Tit. 22, Article V, Subdivision 1, Sections 204(18) - 204(30), 1958 Code of Ala. Recomp.), and including a hospital, clinic, or nursing home owned or operated by the County, shall be personally liable for the debts, torts or undertakings of the corporation; nor shall the County, its governing body or the members of its governing body be liable for the debts, torts, or undertakings of the corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every County of the State having a population of 500,000 or more according to the last or any subsequent Federal Census.

Section 2. As herein used, the following terms have the meanings hereby accorded them: "the County" means any County subject to this Act; "Act 46" means Act No. 46 of the Regular Session of the Legislature of Alabama of 1949, approved June 2, 1949, (Ala. Acts, 1949, pp. 68-73), as amended (which appears as Title 22, Article V, Subdivision 1, Sections 204(18) - 204(30), 1958 Code of Ala., Recomp.); and "corporation" means any public corporation created in the County pursuant to Act 46, and includes a hospital, clinic, or nursing home owned or operated by the County whether or not incorporated.

Section 3. This Act shall apply to every corporation heretofore or hereafter created pursuant to Act 46 and including a hospital, clinic, or nursing home owned or operated by the County whether or not incorporated. No member, director, officer or trustee as a member of the Board of Trustees of the corporation shall be personally liable for the debts, torts or undertakings of the corporation, nor shall the County, its governing body or the members of its governing body be liable for the debts, torts or undertakings of the corporation.

Section 4. This Act shall be deemed to be cumulative.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 687

H. 1261—Boles

AN ACT

Relating to Jefferson County, Alabama; to provide that the Chairman of the Board of Registrars of Jefferson County, Alabama, shall appoint a person to perform the duties which Act No. 1147 of the Regular Session of the Legislature of Alabama of 1975, approved October 10, 1975 (Ala. Acts, 1975, pp. 2251-2257), herein called "Act 1147", imposed, or which any other act now or hereafter providing for absentee voting imposes, on the Register in Chancery in the Bessemer Cut-off of Jefferson County, Alabama, with reference to the handling of absentee ballots; to prescribe the qualifications required of any person appointed under this Act; to provide that the Chairman of the Board of Registrars of Jefferson County, Alabama, may appoint an alternate to serve hereunder in case the person appointed hereunder is disqualified or is not available to serve; to provide that no appointment the Chairman of the Board of Registrars makes hereunder, including the appointment of an alternate to serve hereunder in case the person appointed hereunder is disqualified, or is not available to serve, shall be effective until such appointment has been approved by a written resolution adopted by the governing body of the county; to provide that any person appointed hereunder, including an alternate when serving hereunder, shall have all the powers, duties and responsibilities Act 1147 vested in the Bessemer Cut-off register for the purposes of Act 1147, including the power to administer oaths and also the power to register persons as voters in the Bessemer Cut-off who are qualified under the laws of Alabama to be registered as voters; to provide that no person appointed hereunder, or serving as alternate hereunder, shall receive any salary, compensation or fee for any services performed hereunder; to provide that all provisions of Act 1147 shall apply to any person appointed hereunder, and to any person serving as alternate hereunder, in the same manner and extent to which such provisions would apply to the Bessemer Cut-off register if the Bessemer Cut-off register were performing the duties with reference to handling absentee ballots which are hereby imposed on any person appointed hereunder or on any alternate serving hereunder.

Be It Enacted by the Legislature of Alabama:

Section 1. As used herein, these terms have the meanings hereby given them: "the County" means Jefferson County, Alabama; "Act 1147" means Act No. 1147 of the Regular Session of the Legislature of Alabama of 1975, approved October 10, 1975, appearing on pages 2251-2257 of the Acts of the Reg-

ular Session of the Legislature of Alabama of 1975; "other act providing for absentee voting" means any act other than Act 1147 which now or hereafter provides for absentee voting; "the Bessemer Cut-off" means the Bessemer Cut-off division of Jefferson County; "Bessemer Cut-off register" means the Register in Chancery in the Bessemer Cut-off; "Chairman of the Board of Registrars" means the Chairman of the Board of Registrars of Jefferson County, Alabama; "person appointed hereunder" means any person whom the Chairman of the Board of Registrars appoints hereunder to perform all duties pertaining to absentee ballots which Act 1147 or any other act providing for absentee voting, imposes on the Bessemer Cut-off register; "election" means any primary, general, special and municipal election which is subject to Act 1147 or any other act providing for absentee voting.

Section 2. Within sixty days from the effective date of this act the Chairman of the Board of Registrars shall appoint a person having the qualifications below prescribed to perform all duties pertaining to absentee ballots Act 1147, or other act providing for absentee voting, imposes on the Bessemer Cut-off register; provided, however, that no appointment the Chairman of the Board of Registrars makes under this Section 2 shall be effective until such appointment has been approved by a written resolution adopted by the governing body of the County. Any person appointed hereunder shall be a qualified elector of the Bessemer Cut-off and shall be an employee of the County, or of the Jefferson County Board of Registrars, and shall be subject to the County-wide civil service system in effect in the County. Any person appointed hereunder shall serve at the pleasure of the Chairman of the Board of Registrars.

Only one appointment hereunder shall be in effect at any one time; provided, however, that the Board of Registrars may appoint under Section 3, below, an alternate to serve hereunder in case the person appointed hereunder is disqualified or is not available to serve.

So long as a person's appointment hereunder is in effect and such person is not disqualified such person shall perform all duties pertaining to absentee ballots Act 1147, or other act providing for absentee voting, imposes on the Bessemer Cut-off register.

Section 3. When any person appointed hereunder is a candidate for any office he shall be disqualified to perform any duties herein imposed with reference to the handling of absentee ballots. At least thirty days prior to the election at which he is the candidate the person appointed hereunder shall certify to the Chairman of the Board of Registrars that he is disqualified to serve or otherwise prevented from serving.

Unless the Chairman of the Board of Registrars has theretofore appointed an alternate to serve in place of the person appointed hereunder, in the event the person appointed hereunder is disqualified or not available to serve, the Chairman of the Board of Registrars shall thereupon appoint such alternate, who shall have all the qualifications which Section 2, above, prescribes that any person appointed hereunder shall have; provided, however, that no appointment of an alternate by the Chairman of the Board of Registrars under this Section 3 shall be effective until such appointment has been approved by a written resolution adopted by the governing body of the County.

Section 4. The Chairman of the Board of Registrars shall be authorized to fill by appointment any vacancy which occurs in the position established by Section 2, above, or in the position of alternate established by Section 3, above.

Section 5. Any person appointed hereunder, including any person serving as an alternate, shall have all the powers, duties and responsibilities Act 1147 vested in the Bessemer Cut-off register for the purposes of Act 1147, including the power to administer oaths. Any person appointed hereunder, including any person serving as an alternate, shall be authorized to register persons as voters in the Bessemer Cut-off, who are qualified under the laws of Alabama to be registered as voters; provided, however, that any person appointed hereunder in registering persons as voters shall act in accordance with instructions and limitations imposed by the Chairman of the Board of Registrars.

Section 6. No person appointed hereunder, or serving as alternate hereunder, shall receive any salary, compensation or fee for any services performed hereunder.

Section 7. All the provisions of Act 1147 shall apply to any person appointed hereunder, and to any person serving as alternate hereunder, in the same manner and extent to which such provisions would apply to the Bessemer Cut-off register if the Bessemer Cut-off register were performing the duties with reference to handling absentee ballots which are hereby imposed on any persons appointed hereunder or serving as alternates hereunder.

Section 8. The provisions of this Act are severable. If any part of this act is declared invalid, such declaration shall not affect the part which remains.

Section 9. This act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

To establish the salaries for the following officers of Jefferson County, Alabama: the President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries fixed by such Act shall take effect immediately at the beginning of the next terms of office of said officers.

Section 1. This Act shall apply to Jefferson County and to no other county.

Section 3. Commencing at the time specified in Section 5, below, the salary of the President of the County Commission is hereby fixed at Thirty-six Thousand Dollars (\$36,000.00) per annum, payable in equal monthly installments, and the salary of each of the two associate County Commissioners is hereby fixed at Thirty-five Thousand Dollars (\$35,000.00) per annum, payable in equal monthly installments.

Section 5. All laws or parts of laws, whether general, local or special, in conflict with any part of this act are hereby repealed to the extent of any such conflict.

Section 7. This Act shall become effective upon its approval by the Governor or on its otherwise becoming a law.

Time: 6:00 P.M.

Act No. 689 H. 1172—Waggoner, Hopping, Gafford, White,
Falkenburg, Biddle, Armstrong,
Leonard, Trammell, Moore (O),
Jolly, Boles, McNair, Hilliard

AN ACT

To provide that each manufacturer of malt or brewed beverage selling its products in Jefferson County will designate a sales territory in such County and name an exclusive wholesaler for such territory. To make it unlawful for any retailer of malt or brewed beverage to purchase a brand of malt or brewed beverages from any wholesaler except the wholesaler, designated by the manufacturer, for the territory within which such retailers place of business is located, to provide penalties for the violation of the provisions of this Act, to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1: Each manufacturer of malt or brewed beverages whose products are sold in Jefferson County shall designate a sales territory for each of its brands sold in Jefferson County and shall name one licensed malt or brewed beverage wholesaler for each sales territory who, within such territory, shall be the exclusive wholesaler for said brand or brands, provided that if any such manufacturer of malt or brewed beverages has more than one brand, then exclusive, sales territories may be granted in Jefferson County to a different wholesaler for the sale of each brand.

Section 2: It shall be unlawful and shall subject a licensed retail beer dealer to revocation of his county business license by the governing body of Jefferson County and his municipal business license by the governing body of the municipality, if any, that such retailer is located in, if such retailer shall purchase a brand or brands of malt or brewed beverage from any person, firm or corporation which has not been designated as the malt or brewed beverage wholesaler for such brand or brands for the sales territory within which the licensed retailer's place of business is located. Notice of the revocation of a retailer's county or municipal business license shall be sent by registered mail from the county governing body or the municipal governing body of the Alabama Alcoholic Beverage Control Board. Upon receipt of such notice the Alabama Alcoholic Beverage Control Board shall give such retailer notice to appear before the Board and show cause why its retail license heretofore issued by the Board should not be revoked.

Section 3: Within 30 days after the effective date of this act or within 10 days prior to the introduction of a new brand of malt or brewed beverage in Jefferson County each manufacturer of malt and brewed beverages sold in Jefferson County shall submit to the Director of Revenue of Jefferson County,

in duplicate, a sworn affidavit containing a description of the geographical boundaries of each designated sales territory within Jefferson County for each brand of its products and the name and address of the licensed wholesaler who has been designated as the exclusive wholesaler for said brand or brands within the designated sales territory.

Section 4: All laws or parts of laws which conflict with this act are hereby repealed.

Section 5: The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6: This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Apprived May 23, 1977.

Time: 6:00 P.M.

Act No. 690 H. 1290—Waggoner, McNair, Biddle, Armstrong
AN ACT

To amend Section 21 of Act No. 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717, et seq.), and to provide that said amendment shall apply retroactively to the extent provided in said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of Act No. 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717, et seq.) is hereby amended so as to read as follows:

"Section 21. (a) The retirement systems established by Act No. 551 of the Legislature of Alabama of 1953, (Ala. Acts, 1953, pages 766, et seq.), and by Act No. 843 of the Legislature of Alabama of 1961, (Ala. Acts, 1961, pages 1250, et seq.) are abolished as of the effective date of this Act; and on said date all assets of both of the abolished systems shall be transferred to the fund of the system established by this Act. The system established by this Act shall be liable for all obligations and liabilities, either accrued or contingent, of both of the two pension systems abolished, as aforesaid, including the obligation and liability of the two abolished systems to pay pensions and benefits to the members of the two abolished systems retiring, either for service or disability, prior to the effective date of this Act. The Pension Board is authorized but not

required, to purchase annuity contracts, or policies, to assure payment of benefits accruing in favor of members of either or both of the two abolished systems who retired prior to the effective date of this Act.

“(b) As used in this subsection (b), these terms have the meanings hereby given them: ‘benefit under subsection (a)’ means the monthly benefit any person receives from the system under subsection (a), above, of this Section 21; ‘the recipient’ means a person receiving a benefit under subsection (a); ‘effective date hereof’ means the date whereon this subsection (b) becomes effective; and ‘Act 926’ means Act No. 926 of the Regular Session of the Legislature of 1975, approved on October 9, 1975, which amended certain sections, including Section 9, of this Act.

“Subject to the conditions designated Condition A and Condition B, contained below in this subsection (b), as soon as practical after the effective date hereof, the Board shall increase the benefit under subsection (a) by the amount prescribed in the sentence next following. Said increase shall be in an amount equal to fifteen percent (15%) of the benefit being paid to the recipient under subsection (a) immediately prior to the effective date hereof. The said increase above provided for in this subsection (b) shall be payable in a lump sum retroactively for the period prescribed in the sentence next following. The retroactive payment shall cover that period beginning on the date whereon the Board began to determine benefits for members of the system by applying the tables set forth in subsection (b) of Section 10 of this Act, as amended by Section 5 of Act 926, and ending on the date whereon said lump sum payment is made. Following the period covered by such retroactive payment, the Board shall pay the said increase monthly so long as the Board applies the said tables set forth in said subsection (b) of said Section 10 in determining the benefits payable to members of the system.

“Condition A. As used herein, the following terms shall have the meanings hereby given them. ‘Condition 1’ means the following condition subsection (b) of Section 10 of this Act, as amended by Section 5 of Act 926, contains: ‘Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven eighths percent (1 7/8%)) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30 years) to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years.’

“If the County Commission and the Board by joint action increase the benefits payable to the members of the system,

as provided for in Condition 1, then on the date whereon such increase by such joint action becomes effective, all benefits under subsection (a), above, shall be increased by the amount prescribed in the sentence next following, which increase, herein called 'the additional increase' shall be in addition to the increase hereinabove prescribed in this subsection (b). The additional increase shall be in an amount equal to fifteen percent (15%) of the benefit being paid to the recipient under subsection (a) immediately prior to the effective date hereof. The additional increase provided for in the next foregoing sentence, shall remain in effect so long as the increase made by the joint action of the County Commission and the Board, provided for in Condition 1, remains in effect.

"Condition B. No member shall receive any benefit under this subsection (b) of Section 21 in excess of sixty-five percent (65%) of his basic average salary."

Section 2. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 691

H. 1325—Armstrong

AN ACT

To further amend Section 10 of Act 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which establishes a pension system for employees and officers of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, is hereby further amended so that said Section 10, as further amended, will read as follows:

"Section 10. Retirement for Superannuation. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

"Anything herein to the contrary notwithstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years immediate-

ly preceding his retirement; provided, however, that the requirement of three (3) consecutive years service, immediately preceding retirement, shall not apply to any member who retired, or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceding retirement.

"When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

"Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. The provision of the next foregoing sentence shall not apply to any person except one who retired under this Act prior to September 1, 1969, or one who on said date was employed by the county and was also on said date a member of this pension system.

"Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, upon application to be filed in the office of the Pension Board.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund of the system between the date of his retirement and the date on

which the pension will commence the amounts hereinafter specified. The term 'deferred pension', as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system hereinafter prescribed, payment of his deferred pension shall commence upon that date of the two following dates which first comes: (1) the date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amount hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) the amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement; and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the County at the same salary he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age, and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining

the age of fifty-five (55) years. In order for a member to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntary retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his misappropriation of funds or property of the County, or to moral delinquency on his part.

"(b) Benefits. Subject to the conditions designated Condition 1 and Condition 2, contained below in this subsection (b), if upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and seven eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One and one-eighths ($1\frac{1}{8}\%$) percent of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

(3) Five-eighths of one percent ($\frac{5}{8}$ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

"Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years) to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years. Such joint action shall be expressed by resolutions separately adopted by the County Commission and the Pension Board. Neither the County Commission nor the Pension Board shall take action without considering actuarial advice.

"Condition 2. No member shall receive any retirement benefit in excess of sixty-five percent (65%) of his basic average salary.

"In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of paid membership time or unpaid membership time less than one-twelfth ($1/12$ th).

"If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

Age of Member on
last Birthday Preced-
ing Retirement

Reduced Pension on Account of Retirement Before Age 60 Expressed as a Percentage of the Pension Which Would Have Been Payable at Date of Retirement If The Member were Then Age 60

59	93%
58	87%
57	82%
56	77%
55	72%
54	68%
53	64%
52	60%
51	57%
50	54%
49	51%
48	48%

"The foregoing rates shall apply to all members of the system heretofore or hereafter granted retirement benefits, including persons granted retirement benefits prior to the increase in the rates provided for by amendments of Act 497 adopted during the Regular Session of the Legislature of 1975.

'Deferred Retirement Benefit. As used in this subsection (b), these terms have the following meanings: '(b)' means this subsection (b); 'the deferred retirement benefit' means the deferred retirement benefit which may accrue in a member's favor under (b); 'paid membership time considered for the deferred retirement benefit' means paid membership time in the service of the county or paid membership time while serving as a district attorney or assistant district attorney, but shall not include paid membership time based on municipal service; and 'the normal retirement benefit' means benefit payable to a member retiring on his sixtieth (60th) birthday having at least ten (10) years paid membership time, which benefit is based on all of his paid and unpaid membership time. Subject to the conditions stated below, a deferred retirement bene-

fit, in the amount below provided, shall accrue in favor of any member who accumulates as much as ten (10) years paid membership time considered for the deferred retirement benefit, as above defined, which would have entitled the member to the normal retirement benefit had he been sixty (60) years of age when separated from the service. The next preceding sentence shall not apply retroactively so as to grant the deferred retirement benefit to any former member of the system who ceased to be a member of the system prior to the enactment of the said sentence.

"Subject to the conditions stated below, the deferred retirement benefit, in the amount below provided, shall accrue in favor of any member of the system who subsequent to January 1, 1973, has left, or shall hereafter leave the service of the county, or the office of district attorney or the position of assistant district attorney, and who meets the three requirements specified in the sentence next following. The first requirement is that the member of the system shall have had, or shall have, at least sixteen years paid membership time considered for the deferred retirement benefit, as defined above, before leaving the service of the County, the office of district attorney, or the position of assistant district attorney to accept a State office; the second requirement is that the sole reason for the member's leaving the County service, the office of district attorney or the position of assistant district attorney was for him to accept a State office; and the third requirement is that the member shall have accepted, or shall accept, the State office within ten days of his leaving the County service, the office of district attorney or the position of assistant district attorney.

"A member may at any time before payment of his deferred retirement benefit commences withdraw in full his said contributions, without interest, less one-half of disability benefits paid to him; provided, however, that no deferred retirement benefit shall be paid to a member who withdraws his contributions to the pension fund. If a member dies before or after payment of his deferred retirement benefit commences, the return to him of his contributions to the pension fund shall be governed by Section 14 of this Act.

"The deferred retirement benefit shall be in the following amount: for any member having not more than ten (10) years paid membership time in the county service, fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated; and for any member having more than ten (10) years paid membership time in the county service, the sum of the following: fifty percent (50%) of the normal

retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated plus ten percent (10%) of such normal retirement benefit for each year not exceeding five (5) years of paid membership time in the county service in excess of ten (10) years of paid membership time in the county service.

"Payment of such deferred retirement benefit shall commence on that date whereon such member reaches the age of sixty (60) years and shall continue for the life of the member.

"The provisions of Section 11 of this Act regarding the joint and survivorship pension option shall apply to the deferred retirement benefit."

Section 2. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 692

S. 863—Vacca, Gilmore

AN ACT

Applying to every County of the State having a population of 500,000 or more according to the last or any subsequent Federal Census; to provide that no member, director, officer or trustee as a member of the Board of Trustees of any public corporation created in any such County pursuant to Act No. 46 of the Regular Session of the Legislature of Alabama of 1949, approved June 2, 1949 (Ala. Acts, 1949, pp. 68-73), as amended. (which appears as Tit. 22, Article V, Subdivision 1, Sections 204(18)—204(30), 1958 Code of Ala. Recomp.), and including a hospital, clinic, or nursing home owned or operated by the County, shall be personally liable for the debts, torts or undertakings of the corporation; nor shall the County, its governing body or the members of its governing body be liable for the debts, torts, or undertakings of the corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every County of the State having a population of 500,000 or more according to the last or any subsequent Federal Census.

Section 2. As herein used, the following terms have the meanings hereby accorded them: "the County" means any County subject to this Act; "Act 46" means Act No. 46 of the Regular Session of the Legislature of Alabama of 1949, approved June 2, 1949, (Ala. Acts, 1949, pp. 67-73), as amended (which appears as Title 22, Article V, Subdivision 1, Sections 204(18) - 204(30), 1958 Code of Ala., Recomp.); and "corpora-

tion" means any public corporation created in the County pursuant to Act 46, and includes a hospital, clinic, or nursing home owned or operated by the County whether or not incorporated.

Section 3. This Act shall apply to every corporation heretofore or hereafter created pursuant to Act 46 and including a hospital, clinic, or nursing home owned or operated by the County whether or not incorporated. No member, director, officer or trustee as a member of the Board of Trustees of the corporation shall be personally liable for the debts, torts or undertakings of the corporation, nor shall the County, its governing body or the members of its governing body be liable for the debts, torts or undertakings of the corporation.

Section 4. This Act shall be deemed to be cumulative.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 693 S. 880—Pearson, Gilmore, Vacca, Ellis, Clemon,
McMillan, Wilson

AN ACT

To further amend Section 10 of Act 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which establishes a pension system for employees and officers of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act 497 of the Regular Session of the Legislature of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, is hereby further amended so that said Section 10, as further amended, will read as follows:

"Section 10. Retirement for Superannuation. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

"Anything herein to the contrary notwithstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years imme-

diately preceding his retirement; provided, however, that the requirement of three (3) consecutive years service, immediately preceding retirement, shall not apply to any member who retired, or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceding retirement.

"When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

"Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. The provision of the next foregoing sentence shall not apply to any person except one who retired under this Act prior to September 1, 1969, or one who on said date was employed by the county and was also on said date a member of this pension system.

"Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, upon application to be filed in the office of the Pension Board.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund

of the system between the date of his retirement and the date on which the pension will commence the amounts hereinafter specified. The term 'deferred pension', as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system hereinafter prescribed, payment of his deferred pension shall commence upon that date of the two following dates which first comes: (1) the date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amounts hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) The amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement; and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the County at the same salary he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age,

and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining the age of fifty-five (55) years. In order for a member to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntary retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his misappropriation of funds or property of the County, or to moral delinquency on his part.

"(b) Benefits. Subject to the conditions designated Condition 1 and Condition 2, contained below in this subsection (b), if upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One and one-eighths ($1\frac{1}{8}\%$) percent of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

(3) Five-eighths of one percent ($\frac{5}{8}$ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

"Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven-eighths percent ($1\frac{7}{8}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years) to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years. Such joint action shall be expressed by resolutions separately adopted by the County Commission and the Pension Board. Neither the County Commission nor the Pension Board shall take action without considering actuarial advice.

"Condition 2. No member shall receive any retirement benefit in excess of sixty-five percent (65%) of his basic average salary.

"In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year

of paid membership time or unpaid membership time less than one-twelfth ($1/12$ th).

"If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

Age of Member on last Birthday Preced- ing Retirement	Reduced Pension on Account of Re- tirement Before Age 60 Expressed as a Percentage of the Pension Which Would Have Been Payable at Date of Retirement If The Member were Then Age 60
59	93%
58	87%
57	82%
56	77%
55	72%
54	68%
53	64%
52	60%
51	57%
50	54%
49	51%
48	48%

"The foregoing rates shall apply to all members of the system heretofore or hereafter granted retirement benefits, including persons granted retirement benefits prior to the increase in the rates provided for by amendments of Act 497 adopted during the Regular Session of the Legislature of 1975.

'Deferred Retirement Benefit. As used in this subsection (b), these terms have the following meanings: '(b)' means this subsection (b); 'the deferred retirement benefit' means the deferred retirement benefit which may accrue in a member's favor under (b); 'paid membership time considered for the deferred retirement benefit' means paid membership time in the service of the county or paid membership time while serving as a district attorney or assistant district attorney, but shall not include paid membership time based on municipal service; and 'the normal retirement benefit' means benefit payable to a member retiring on his sixtieth (60th) birthday having at least ten (10) years paid membership time, which benefit is

based on all of his paid and unpaid membership time. Subject to the conditions stated below, a deferred retirement benefit, in the amount below provided, shall accrue in favor of any member who accumulates as much as ten (10) years paid membership time considered for the deferred retirement benefit, as above defined, which would have entitled the member to the normal retirement benefit had he been sixty (60) years of age when separated from the service. The next preceding sentence shall not apply retroactively so as to grant the deferred retirement benefit to any former member of the system who ceased to be a member of the system prior to the enactment of the said sentence.

"Subject to the conditions stated below, the deferred retirement benefit, in the amount below provided, shall accrue in favor of any member of the system who subsequent to January 1, 1973, has left, or shall hereafter leave, the service of the county, or the office of district attorney or the position of assistant district attorney, and who meets the three requirements specified in the sentence next following. The first requirement is that the member of the system shall have had, or shall have, at least sixteen years paid membership time considered for the deferred retirement benefit, as defined above, before leaving the service of the County, the office of district attorney, or the position of assistant district attorney to accept a State office; the second requirement is that the sole reason for the member's leaving the County service, the office of district attorney or the position of assistant district attorney was for him to accept a State office; and the third requirement is that the member shall have accepted, or shall accept, the State office within ten days of his leaving the County service, the office of district attorney or the position of assistant district attorney.

"A member may at any time before payment of his deferred retirement benefit commences withdraw in full his said contributions, without interest, less one-half of disability benefits paid to him; provided, however, that no deferred retirement benefit shall be paid to a member who withdraws his contributions to the pension fund. If a member dies before or after payment of his deferred retirement benefit commences, the return to him of his contributions to the pension fund shall be governed by Section 14 of this Act.

"The deferred retirement benefit shall be in the following amount: for any member having not more than ten (10) years paid membership time in the county service, fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated; and for any member having more than

ten (10) years paid membership time in the county service, the sum of the following: fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated plus ten percent (10%) of such normal retirement benefit for each year not exceeding five (5) years of paid membership time in the county service in excess of ten (10) years of paid membership time in the county service.

"Payment of such deferred retirement benefit shall commence on that date whereon such member reaches the age of sixty (60) years and shall continue for the life of the member.

"The provisions of Section 11 of this Act regarding the joint and survivorship pension option shall apply to the deferred retirement benefit."

Section 2. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 694

H. 41—Dial

AN ACT

To grant to counties and municipalities acting separately or jointly the power to acquire and develop industrial or commercial parks, to sell or lease all or part of said parks to private enterprises or other public entities, and to finance such acquisition and development by the issuance of general obligation warrants and refunding warrants of the participating units, to authorize the pledging of taxes in payment thereof, to exempt actions hereunder from other laws of the state, including those respecting financial control, and to declare the provisions hereof severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent. It is the intention of the Legislature by the passage of this act to authorize each county and each municipality in the state, acting separately or jointly, within the restrictions of this act, (a) to acquire, by purchase or otherwise, one or more industrial or commercial parks, as herein defined, (b) to develop such parks, (c) to finance such acquisition and development by the sale and issuance of interest-bearing general obligation warrants of such counties or municipalities, and (d) to sell such parks. This act shall be liberally construed to conformity with this intention.

Section 2. Definitions. The following definitions shall be

applicable to this act, unless a different meaning clearly appears from the context:

“County” means each county in the state.

“Governing body” means the county commission or other governing body of a county or the board of commissioners, council or other governing body of a municipality.

“Industrial park” means land, with such improvements as are authorized by this act, which (i) has been determined by a governing body to be suitable for use by more than one industrial or commercial enterprise for industrial or commercial purposes and (ii) has been acquired or is proposed to be acquired by a county or a municipality, or any combination of counties and municipalities and held for the purpose of transferring it to one or more persons for use for industrial or commercial purposes.

“Municipality” means a municipal corporation in the state.

“Participant” means, with respect to the acquisition and development of an industrial park, a county or municipality which has financed, or by resolution has declared its intention to finance, the acquisition and development of such industrial park.

“Person” means any individual, firm, partnership, public or private corporation, or any other entity having the power to acquire title to land.

“State” means the State of Alabama.

“Warrants” means warrants which have been or are proposed to be issued by a county or a municipality pursuant to the provisions of this act.

In construing this act, the use of the singular shall be read to include the plural and the plural to include the singular except where a contrary intent is clearly manifested.

Section 3. Additional Powers Conferred and Restricted.

(a) In addition to all existing powers, a county or municipality shall have the power, by itself or together with other participants, to acquire, by purchase, gift, exchange, lease or otherwise, and to develop and dispose of one or more parcels of land as an industrial park upon compliance with the procedure set out in Section 4.

(b) This power shall be subject to the following restrictions:

(i) No county or municipality may acquire real property for an industrial park any part of which is located in another

county which is not a participant or which is within the corporate limits of a municipality which is not a participant, unless the governing body of that other county or municipality shall have adopted a resolution consenting to the acquisition of the industrial park therein.

(ii) No real property may be acquired or developed by a municipality as an industrial park if any part of it is located more than twenty-five (25) miles from the corporate limits of that municipality.

(iii) No real property may be acquired or developed by a county any part of which is located more than three miles from the boundary of the county.

(c) The development of one or more parcels of land as a site for an industrial park shall include the provision for water, sanitary sewage disposal, drainage, electric power, gas, communications, access and other similar facilities which are incidental to the use of the land as an industrial park. Development shall not include the provision of structures or buildings except those related to the above-described facilities.

Section 4. Development of an Industrial Park. The following procedure shall be followed in acquiring and developing an industrial park:

(a) The governing body of any county or municipality shall determine, by the adoption of a resolution duly entered on its minutes, that it shall become a participant or to act alone in the acquisition and development of an industrial park.

(b) Any other county or municipality proposing to join as a participant must adopt a similar resolution so stating within ninety days of the adoption of the resolution referred to in subsection (a) of this Section.

(c) Such resolutions must contain the following:

(i) A legal description of the land proposed to be acquired, having sufficient specificity to satisfy the requirements for a deed, and a finding that it is suitable for an industrial park;

(ii) The price, if any, for which the land will be acquired;

(iii) The estimated cost of developing the land as an industrial park and an outline of the plans for accomplishing such development;

(iv) The portion of the total of the amounts stated pursuant to clauses (ii) and (iii) of this subsection that the county or municipality adopting such resolution is willing to contribute;

(v) A finding that the economy and the public welfare of

the area served by the county or municipality adopting the resolution will be benefitted by the acquisition and development of the industrial park and that it is wise, expedient, necessary or advisable to acquire and develop such industrial park;

(vi) A finding that there are sufficient monies available, whether or not by the issuance of warrants, to finance the county's or municipality's share of the cost of the industrial park; and

(vii) The designation of a person to act for the governing body in the acquisition and development of the industrial park, and authorization for such person to approve and sign for the county or municipality any contracts necessary within the scope of the aforesaid plans for such acquisition and development.

(d) Such resolution shall be published in a newspaper of general circulation in the county affected for three successive weeks and posted in a publicly accessible place for three successive weeks prior to the execution of said resolution.

(e) Any contracts relating to acquisition or development of an industrial park shall be signed on behalf of all participants.

(f) Title to each parcel of land acquired shall be taken by all participants in common and may be in equal shares or in shares proportional to the financial contribution of each participant or in shares determined pursuant to some other formula determined by the participants.

Section 5. Transfer of Property and Price. (a) Any municipality or county shall have the power to sell, and grant options to acquire, any property or interest in property acquired under the provisions of this act.

(b) The sales price of any part of an industrial park shall be no less than the greater of (i) the consideration for purchase paid by the participants plus the cost of all improvements made in the development of the property, and the costs of financing the acquisition and development (other than interest on any warrants), prorated on the basis of the acreage involved, or (ii) the then fair market value of the property to be sold, as determined by an appraisal filed with each participant by a real estate appraiser whose appraisals are accepted by local lending institutions.

(c) It is not the intention hereof to authorize any county or municipality to take permanent title to an industrial park, but only for the purpose of eventual transfer to a private industrial or commercial enterprise or a public entity involved in industrial or commercial development.

Section 6. Warrants. (a) Each participant shall have the power to sell and issue interest-bearing warrants for the purpose of paying the costs or its share of the costs of acquiring and developing industrial parks. Any warrants issued under the provisions of this act may be in such denominations, may have such maturity or maturities, not exceeding thirty years from their date, may bear interest from their date at such rate or rates, payable at such times, may be payable at such places within or without the state, may be sold at such times and in such manner, and may contain such terms not in conflict with the provisions of this act, all as the governing body of the participant may provide in the proceedings wherein the warrants are authorized to be issued.

(b) All such warrants shall evidence general obligation indebtedness of the county or municipality by which they are issued, and the full faith and credit of the county or municipality shall be irrevocably pledged for the payment of the principal of and interest on the warrants.

(c) The proceeds of the sale of any such warrants shall be used solely for the purpose for which they are authorized to be issued, including the payment of any expenses incurred in connection with their issuance. The proceeds from the sale of any land in an industrial park financed by the sale of warrants issued under this act shall be distributed to the participants according to the share of the title held by each as determined pursuant to Section 4(f) hereof, and shall be pledged and applied to the payment of such warrants.

Section 7. Refunding Warrants. Each participant may issue refunding warrants, either by sale or by exchange, for the purpose of refunding a like or greater principal amount of warrants then outstanding, and paying any premium and expenses necessary to be paid to redeem the outstanding warrants. The provisions of this act applicable to warrants shall also be applicable to any such refunding warrants.

Section 8. Pledges to Secure Warrants. (a) The governing body of any participant may assign and specially pledge any tax or any part thereof for the payment of the principal of and interest on warrants.

(b) To the extent necessary to make the payment of the principal of and interest on the warrants, any tax or sales proceeds so pledged shall constitute a trust fund which shall be impressed with a lien in favor of the holders of such warrants. If, pursuant to this section, more than one pledge is made of any tax, then the pledges shall take precedent in the order that they are made, unless the proceedings making the pledge shall provide that it shall be on a parity or subordinate

to a subsequent pledge. All warrants benefitting from a pledge shall constitute preferred claims against the tax or sales proceeds pledged (subject to any prior pledges existing at the time of issuance of the warrants) and shall have preference over claims incurred by the county or municipality for any other purpose.

Section 9. Warrants are Legal Investments. A trustee, executor, administrator, guardian or other fiduciary may invest trust funds in warrants issued under the provisions of this act unless otherwise directed by a court having jurisdiction or by the document that is the source of authority.

Section 10. Warrants as Allowed Claims. The issuance by a county of warrants and the interest coupons applicable thereto, pursuant to the provisions of this act, shall be deemed to constitute an audit and allowance by the county of a claim in the aggregate principal amount of such warrants and interest coupons against the county and against any tax proceeds and the sales proceeds, or either thereof, pledged for the payment of such warrants pursuant to the provisions of this act. No proof of registration or other audit or allowance of such claim shall be required and such warrants and interest coupons shall, from the date of their lawful issuance, be deemed to be allowed claims against the county by which they were issued and against any tax proceeds and the sales proceeds, or either, so pledged therefor.

Section 11. No other Controlling Laws. Insofar as the provisions of this act may be inconsistent with the provisions of any other law, the provisions of this act shall control, it being specifically declared that the provisions of Section 78 of Title 12 of the Code of Alabama of 1940 shall not be applicable to the warrants issued under the provisions of this act.

Section 12. Severability. The provisions of this act are hereby declared to be severable. If any word, clause, sentence, section, subsection or paragraph of this act shall be held invalid or illegal by a court of competent jurisdiction, such declaration shall not affect the validity and binding effect of the remaining provisions of this act.

Section 13. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 695

H. 1218—Armstrong, Waggoner

AN ACT

To amend Alabama Acts No. 1205 (Regular Session 1975) to establish the procedure for court personnel joining the state personnel system to transfer to the state employees' retirement plan; to establish the procedure by which such personnel may receive or purchase prior service credit; and to assure continuation of other benefits which were in effect for such employees on August 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7-106(a) of Act No. 1205, Acts of Alabama, 1975 Regular Session is hereby amended to read as follows:

“(a) Employees of the circuit and district court, hereinafter “eligible employees,” shall on the date they join or joined the state personnel system, be covered by the employees' retirement system of Alabama; provided, that an employee who on that date is covered by a local retirement system may by written notice filed within thirty days prior to the date the employee joins the state personnel system, with the comptroller, elect to retain instead membership in the local retirement plan; provided, that any employee joining the state personnel system on or before October 1, 1977, shall have the right to make such election within thirty days prior to October 1, 1977. Upon election of an employee, the comptroller shall pay to such local government plans the employer retirement contributions attributable to employees electing to retain local plan membership; provided that such employer contributions paid by the state to such local retirement plan shall not exceed the employer contribution paid by the state for eligible members transferring to the employee's retirement system of Alabama. The previous local employer shall pay into such local plan any additional amounts necessary to fund said benefits.”

Section 2. Section 7-106(b)(1) of Act No. 1025, Act of Alabama, 1975 Regular Session, is hereby amended to read as follows:

“(b)(1) — Benefits for eligible employees under local plans. Eligible employees who have participated in retirement programs with units of local government whether or not such local programs have utilized the state employees' retirement plan to administer the funding of such plans, shall receive credit for prior service for which they have been given credit under the local retirement programs. When an eligible employee joins the Employees' Retirement System, the total of all employer and employee contributions, plus any other amounts, including but not limited to interest, attributable to the account of such employee to which he would have had the right to

receive upon withdrawal from the local retirement program, shall be transferred immediately into the state employees' retirement fund on account of such employee under the same rules and regulations applicable to other members of the state employees' retirement system on the date the employee joins the Employees' Retirement System of Alabama." Any contributions represented by annuities purchased by or through the previous employer on account of the employment therewith of any eligible employee and for his individual benefit shall be immediately cashed out and the proceeds transferred along with any other regular contributions to the Employees' Retirement System of Alabama.

Section 3. Section 7-106(b)(2) of Act No. 1205, Acst of Alabama, 1975 Regular Session, is hereby amended to read as follows:

"(b)(2) — Benefits for eligible employees covered by unfunded local retirement programs or employees not previously covered by retirement plans. Eligible employees who have participated in unfunded local retirement programs or who have not participated in retirement programs with units of local government shall be granted prior service credit by the Employees' Retirement System of Alabama, based on length of previous court employment, to a maximum of five years. The secretary-treasurer of the employees' retirement system of Alabama shall authorize and direct the comptroller to pay the cost of granting such prior service credit in such amounts as determined to be necessary and the comptroller shall pay such amounts as necessary for both employer and employee contributions into the employees' retirement fund on account of such eligible employee under the same rules and regulations applicable to other members of the employees' retirement system. In addition to the five year prior service credit described above, any eligible employee may purchase prior service credit, not to exceed actual years served, by direct payment to the employees' retirement system within ninety (90) days after October 1, 1977, in such amount as determined to be necessary by the employees' retirement system for the prior service credit desired."

Section 4. Section 7-106(c) of Act No. 1205, Acts of Alabama, 1975 Regular Session, is amended to read as follows:

"(c) — Other benefits. The administrative office of courts shall, after consultation with the state and local personnel systems, adjust benefits other than retirement of court personnel joining the state personnel system, including clerks, registers and judges. Such adjustment shall be made as of the date upon which the employee joined or joins the state personnel system and shall assure continuation of existing employee benefits

at the same rates and amounts as were in effect for such employees on August 1, 1975; provided that the administrative director of courts may, in his or her discretion, adjust or increase such benefits to allow for normal incremental increases or additions to such benefits received by court employees on or after August 1, 1975, whether such employees were hired by the unit of local government before, on, or after August 1, 1975. The administrative director of courts shall thereafter make such future adjustments as are necessary to maintain such rates and amounts of benefits as were in effect for such employees on August 1, 1975. For court personnel employed after August 1, 1975, but before the date upon which court employees in his or her unit of local government join the state personnel system, including clerks, registers and judges, benefits under this section shall be established at such levels as were in effect for employees similarly situated on August 1, 1975, or, if such employee was employed in a new position not existing on August 1, 1975, benefits for such employee shall be established at such levels as the administrative director of courts in his discretion determines to be appropriate, based upon benefits levels which were in effect on August 1, 1975 for similar classes of employees. Subsequent to the establishment of such benefits and the employer costs thereof, the ADC shall determine the method of administering the fringe benefits for such employees, through the local government units for whom such employees were employed prior to state assumption or through the state fringe benefit programs. If the ADC determines that it is impractical or unfeasible to administer the benefits for such employees through the state fringe benefit program, the local government units for whom such employees were employed prior to state assumption shall retain such employees in their fringe benefit programs, provided that the ADC shall, in such instances, establish reimbursement procedures for the payment of the employer costs to such local government units. The Comptroller shall, subsequent to the establishment of such benefits and the employer costs thereof and at any time it may be necessary to establish or adjust such benefits, pay the employer contributions as established by the administrative director of the courts."

Section 5. All other laws, or parts of laws, which conflict with this Act are repealed to the extent that they are inconsistent with the provisions of this Act.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional. Moreover, if the application

of this Act, or of any portion hereof, to any person or circumstance is held invalid, the invalidity shall not affect the application of the Act to other persons or circumstances which can be given effect without the invalid provision or application.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 696

H. 1355—Rich

AN ACT

To provide for an increase in pay and mileage allowance for members of the Board of Registrars, Board of Equalization and Jury Commission in all counties with a population of 15,400 to 15,625. All such increases are to be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties with a population of 15,400 to 15,625 according to the most recent federal decennial census, the members of the Board of Registrars, Board of Equalization and Jury Commission are to be paid from the general fund of the county an amount of ten dollars (\$10) per day above what they are presently receiving, for every day they are in session.

Section 2. All members of the Board of Registrars, Board of Equalization and Jury Commission shall also receive fifteen cents (15c) per mile traveled, traveled from their home to the courthouse and for travel performing other official duties. This shall be paid from the county general fund, but before such funds are paid, a notarized statement shall be filed by the person receiving such funds and shall itemize each trip and the miles traveled.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 697

S. 105—McDonald (A)

AN ACT

Providing for the residency requirement at institutions of higher learning for any student if one of the student's parents or legal guardians is either an employee of a United States Senator or Congressman representing this state or an officer or employee of the Executive Branch of the federal government on appointment by the President of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law or any rule or regulation to the contrary notwithstanding, for the purposes of paying tuition or fees at any college, university or other institution of higher learning, any student shall be considered a resident of this state if one of the student's parents or legal guardians is a resident of this state for voting purposes and is either a full-time employee of a United States Senator or Congressman representing this state or a full-time officer or employee of the executive branch of the federal government on appointment by the President of the United States.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 698

S. 401—Teague, Gilmore

AN ACT

To amend further Title 51, Section 21, Code of Alabama 1940, so as to provide a definition for heavy duty equipment and to provide that a tax lien shall attach to all heavy duty equipment brought into or situated in this state at any time of the year and to provide for the payment of an ad valorem tax to be computed on a quarterly basis on said equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 51, Section 21, Code of Alabama 1940, as amended, is hereby further amended so as to read as follows:

"Section 21. Enumeration of subjects of taxation. — The subjects of taxation, except as exempted by law, shall be as follows: (a) Every piece, parcel, tract or lot of land in this state, including therein all things pertaining to such land, and all structures and other things so annexed or attached thereto as to pass to a vendee by conveyance of such land; and every separate or special interest in any land, such as mineral, the right to mine minerals; the right to turpentine; oil or petroleum, natural gas and the right to remove same from the soil, or any other interests when such interests are owned by persons other than the owner of the surface or soil, except growing crops, standing timber, or any tree, bush, vine or other growing thing from which a crop is harvested. (b) All docks, wharves, wharf boats, lands [landings], and warehouses, toll bridges, ferries, canals, passes, channels; turnpikes, all street railroads, printing presses and materials. (c) All steamboats, barges, vessels and watercraft of every name and kind however propelled, plying waters of this state and the owner thereof shall return same for taxation to the assessors in the county wherein he resides and if such steamboat, barge, vessel and watercraft, is owned by a corporation, then in that county where its principal office is located. In case of owner being an individual not residing in this state or being a corporation with no principal office in this state, then in the county or counties where used. All such steamboats, barges, vessels or watercraft whether owned by a resident or nonresident of this state, which have acquired a permanent situs in this state. All transfer boats, steamboats or barges used by any railroad in transferring cars and passengers must be assessed and taxed in the county or counties where used, or where the owner resides, regardless of [of] where such vessel may be registered. (d) All stocks of goods, wares and merchandise, the assessment to be on the average amount on hand during the preceding year, except in cases where business is commenced on or after October 1 of a current year, and in such cases the assessment to be on the capital actually employed in the business and appointed [apportioned] as hereinafter provided, but the amount so assessed for any whole year shall in no case be less than the capital actually employed in the business, and this shall include all goods, wares and merchandise kept on plantations or elsewhere, or by railroad companies or persons, for sale or to be dealt out to laborers or employees for profit, or on account of their wages, and shall include all goods, wares and merchandise offered for sale by any person commencing business subsequent to the first day of October of a current year, but in such case the tax shall be apportioned according to the date at which the business was commenced, so that if commenced after the first day of January the tax shall be three fourths of the tax for the whole year; if commenced after the first day of April the tax shall be one

half of the tax for the whole year; provided that the assessment herein provided for shall not include products raised on the farms in the hands of the original producers. If the person, association or corporation, receiver or trustee carrying on such business shall fail to make return of the amount of stock of goods, wares and merchandise as provided by law, or if the county tax assessor is not satisfied with the return made, in order to make proper assessment, he shall have the right to demand a copy of the last inventory made of such stock of goods, wares or merchandise, and may also by inquiry of persons believed to have knowledge of the subject obtain information as to the probable average amount of such stock, and from such information may assess the same upon his best judgment. (e) All household and kitchen furniture, mechanical and electrical refrigerators, libraries, jewelry, precious stones, plates and silverware, ornaments and articles of taste, pianos and other musical instruments, paintings, clocks, gold, silver and other watches and gold and other safety chains. all wagons and other vehicles; all motor cars, automobiles, trucks, busses, tractors, and motorcycles and other motor vehicles, and bicycles; all outboard motors; airplanes, airships and other aircraft, and aircraft landing fields and equipment; all typewriters; all cash registers; all calculating machines; all book-keeping machines, teletypes, dictaphones and other recording or sending apparatus or machines; all phonographs and all machines of like character; all radio sending and receiving sets and appliances; all iron safes and cabinets, all store fixtures, all office furniture and fixtures; all mechanical tools and farming implements; all tanks, all storage reservoirs or basins; all golf bags, golf sticks and all other sporting goods, all pistols and guns; all cattle and horses, mules, studs, jacks, and jennets; all hogs, sheep, and goats, except as specifically exempted; all x-ray machines; all lense grinding machines, all eye testing machines, all surgical instruments and all other instruments or appliances used in surgical, dental, medical, optometrical or other professional work. (f) All money hoarded, whether in the custody of the owner in this state, or in another state, or in any safety deposit box, safe or vault, or elsewhere, except money on deposit in banks which is specifically exempted from taxation. (g) All investments in bonds, except bonds of the United States, the state of Alabama, and of counties and municipalities of this state, warrants or other obligations of county and city school boards in this state, and such other bonds as are not by law taxable; and all capital invested in bonds or currency which are exempt from taxation shall be liable to be taxed under this section should such capital at any time during the year be reconverted into money, bonds or property which is taxable, unless it is made to appear that the money, bonds or property into which such reversion may be made has

been assessed for taxes for such year. (h) All roadbed, track, engines, cars, derricks, cranes, signales [signals], crossties, and other property, real and personal of railroads, of mining and manufacturing plants, and all tramroads, pole-roads, canals, ditches and channels used for transporting or moving mineral ore, lumber, timber, logs, minerals, coal, ore, sand, gravel or other commodities, whether raw or manufactured, which are not taxed as improvements on the land or plant or main property, of the owner of such tramroads, pole-roads, canals, ditches or channels. (i) Shares in corporations or associations, not incorporated under the laws of this state, except stock in national banks. In arriving at the value of shares of stock of a corporation or association for the purposes of taxation, whether said corporation be domestic or foreign, all dividends earned or declared, and not distributed shall be treated as assets of said corporations. (j) On the gross amount of sales of goods, wares and merchandise owned by nonresidents made at auction in or during the tax year preceding the assessment of goods, wares and merchandise kept in stores for sale in the ordinary course of business, each auctioneer shall be assessed and shall pay a tax of one fourth of one percent, and each auctioneer shall pay a like tax on the gross amount of sales made by him of goods, wares and merchandise owned by citizens of this state which have been imported into this state and sold at auction before same have been assessed for taxes as other property; but on sales of goods, wares and merchandise, and fruit by cargo at auction, the rate of taxation shall be one eighth of one percent (j)-(a). On the gross amount of commissions or sums charged and received during each year by any auctioneer, provided nothing herein contained shall be construed as levying a tax on commissions received for the sale or rental of real estate, or brokerage on loans or real estate or the underwriting of insurance. (k) All the real and personal property of water companies, including pumping stations, reservoirs, standpipes, towers, pipelines, gates, valves, tunnels, canals, and dams used in the business of supplying water to consumers for pay; all real and personal property of hydroelectric power, steam or other power and light companies; natural and manufactured gas companies and gas light companies, including all machinery, engines, dynamos, wires, poles, pipelines, tubes and appliances of every nature and description used in connection therewith; all real and personal property of every furnace, rolling mill, mine, quarry or manufacturing establishment, including all machinery, all engines, hoisting engines, derricks, and appliances of every nature used in the business; all dams across rivers and creeks; all real and personal property of cotton gins, cotton mills, cotton compresses, cottonseed oil mills, grain elevators, flour and grist mills, molasses and syrup mills, paper mills, chemical plants or manufacturies [manufactories],

fertilizer factories or mixing plant [plants]; all peanut oil mills and peanut mills, creosoting plants, concrete mixing plants, crosstie plants and stave mills and heading mills. (l) All property real and personal of all cement plants, lime plants, plaster plants, or quarries or other manufacturing, mining or quarrying plants not herein specifically exempted. (m) All property including heavy duty equipment used for construction purposes as hereinafter defined, brought into the state after the first day of October and before the assessor has completed his assessment, shall be subject to taxation the same as if it had been held or owned in the state on the first day of October. (n) Heavy duty equipment shall mean any motor vehicle used primarily off the open road for construction purposes, but shall include all road construction equipment, whose gross weight exceeds sixteen thousand (16,000) pounds but shall not include inventory on hand for sale by duly licensed heavy equipment dealers. Heavy duty equipment brought into the state after the first day of October (whether before or after the assessor has completed his assessment) shall be subject to taxation the same as if it had been held or owned in the state on the first day of October, except that such tax shall be prorated with respect to the number of months remaining in the year. Provided that 'construction purposes' as used herein shall not be construed to include mining activities on the transportation of materials used in or produced by mining or forestry activities on the transportation of materials used in or produced by forestry activities. All other property real, personal or mixed not hereinbefore specified, of whatever class, whether ejusdem generis or not, except as herein specifically exempted, which said property shall be assessed and specifically described."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 699

S. 334—Shelby

AN ACT

Relating to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census; to authorize the county commission to provide clerical assistants to such county's legislative delegation.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 115,000 nor more than 150,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission is hereby authorized to provide clerical assistants to the county legislative delegation. The number of clerical assistants and their compensation shall be set by the governing body of such county.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 700

H. 105—Manley

AN ACT

To amend Section 7 of Act No. 863, S. 441 of the 1975 Regular Session (Acts of 1975, p. 1701), which establishes the Alabama Firefighters Personnel Standards and Education Commission, so as to reduce the minimum age requirements for applicants for firefighting positions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 863, S. 441 of the 1975 Regular Session (Acts of 1975, p. 1701), which establishes the Alabama Firefighters Personnel Standards and Education Commission is hereby amended to read as follows:

“Section 7. Minimum Standards. The minimum standards hereafter in this section provided shall apply to applicants and appointees as firefighting personnel who are not firefighters in the state on the effective date of this Act and to applicants and appointees who, though firefighters on the effective date of this Act, cease to be such before making application for employment as a firefighter or being employed as a firefighter. No city or town shall employ any such applicant who is not on the effective date of this Act a firefighter and who continues until the date of his application as a firefighter unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifications:

“(a) Age. The applicant shall be not less than 18 nor more than 35 years of age at the time of appointment; provided, however, that for the purpose of calculating his age under this Act, the time spent by any applicant on active duty in the Armed Forces of the United States of America, not exceeding four years, shall be subtracted from the actual age of such applicant who has attained the age of 39 years.

“(b) Education. The applicant shall be a graduate of a high school accredited with or approved by the State Department of Education or shall be the holder of a certificate of high school equivalency issued by General Educational Development.

“(c) Training. Prior to appointment, the applicant shall have completed at least 240 hours of formal firefighting training in a recognized training school, approved by the Commission; provided, that an applicant may be provisionally appointed without having completed the training herein prescribed subject to the condition that he shall complete such training within 90 days after provisional appointment and should he fail to complete such training, his appointment shall be null and void.

“(d) Physical Qualifications. The applicant shall be not less than five feet two inches nor more than six feet ten inches in height, shall weigh not less than 150 pounds nor more than 300 pounds and shall be certified by a licensed physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of his duties as a firefighter. The Commission may for good cause shown permit variances from the physical qualifications prescribed in this subsection (d).

“(e) Character. The applicant shall be a person of good moral character and reputation. His application shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three qualified voters of the area in which the applicant proposes to serve as a firefighter attesting his good reputation.

“The foregoing requirements shall not apply to any person who is presently employed as a firefighter in the State and who continues to be so employed when he makes application for or is employed as a firefighter in a different capacity or for a different employer.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 701

H. 111—Crawford, Carothers, Turnham,
McMillan, Cates, Whatley,
Williams, Sasser, Baker,
Smith (M), Smith (C), Smith (J),
Venable, Hines, Folmar, McCluskey

AN ACT

Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1978, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1978 there is hereby appropriated to the department of agriculture and industries out of any monies in the state treasury not otherwise appropriated the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary for the fiscal year, which said sum shall be used and expended by said department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the commissioner of agriculture and industries or the state veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease, African swine fever and other diseases of swine. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 17-26 of Act No. 694, Legislature of 1947, approved October 9, 1947, (Sections 383 (17) - (26) of Title 2, Code of Alabama, Recompiled, 1958.)

Section 2. The appropriation herein made shall be conditioned upon the condition of the general fund and with the approval of the Governor.

Section 3. This Act shall become effective on October 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 702

H. 443—Andrews

AN ACT

To further amend Section 2 of Act No. 217 of the 1966 Special Ses-

sion of the Legislature of Alabama, approved August 30, 1966 (Acts of Alabama, 1966 Special Session, page 280, et seq.) entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the fire department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 307 of the 1943 Regular Session of the Legislature of Alabama, as amended, and Act Number 22 of the Second Special Session of the Legislature of Alabama of 1956, to include in said separate system dependents of said presently active employees; and to render said Act No. 307 and Act Number 22 inapplicable to said certain presently active employees and their dependents".

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama (Ala. Acts, 1966 Special Session, p. 280, et seq.) is hereby amended so as to read as follows:

"Section 2. Definitions.—The following words, terms and phrases, wherever used in this act, including this section, shall have the meanings respectively ascribed to them in this section unless the context plainly indicates otherwise or extended meaning is intended:

"The City": The City of Birmingham.

"The System": The retirement and relief system established by this act.

"In the service": In the service of the City as a member of its fire department before, on or after the effective date of this act.

"Salary": Money remuneration, less the exclusives herein-after enumerated of a qualified employee for time in the service. Salary within the meaning of this Act shall not include overtime pay or compensation for extra work in addition to regular pay or salary, nor cash payments in lieu of vacations.

"Payroll period": A period of time for which a payment of salary is ordinarily made.

"Earnable daily rate": Monthly rate of salary for time in the service divided by thirty.

"Salary days": Such number of days of a payroll period as equals the actual amount of salary paid to or for, or to and for a member of the system for time in service in such payroll period, divided by the daily earnable rate of such member for such payroll period.

"Paid membership time": The aggregate of salary days of a member of the system from the salary for which deduction

is made pursuant to the provisions of this act for the treasury of the city. Three hundred sixty salary days shall constitute a year of paid membership time, but this shall not be construed to mean that less than 365 actual days may be counted as a year of creditable time.

"Prior service time": Time of a member of the system in the service prior to the effective date of this act, or as a member brought under this Act by amendment prior to the effective date of such amendment, except time in the service prior to said effective date for which the member may have received no service pay from the city.

"Creditable time": The creditable time of a member of the system shall include all his prior service time and all his paid membership time.

"Final average salary": The final average salary of any member of the system for purposes of this act shall be the total amount of his salary for such period of three and one-half years of consecutive creditable time as may be most favorable to him, divided by forty-two; provided, however, that if because of fault, misconduct or inefficiency upon his part a member of the system shall have been demoted more than three and one-half years prior to date of his retirement or date of commencement of his disability, as the case may be, such most favorable period shall be subsequent to date of demotion; provided, further, that if a member of the system shall have been demoted for such cause within three and one-half years of date of his retirement or date of commencement of his disability, as the case may be, his final average salary shall be the total amount of his salary for the three and one-half years of his creditable time next preceding date of his retirement or date of commencement of his disability, as the case may be, divided by forty-two; and provided, further, that a member of the system shall be deemed to earn, or to have earned, salary at the same rate of salary as that which he shall be deemed to earn, or to have earned, salary for the purpose of deduction from salary under Section 3 of this Act.

"Beneficiary": One in whose favor monetary benefits hereunder are accruing on account of retirement, widowhood, childhood or disability.

"Severance nominee": One designated as such under Section 9 of this act.

"The comptroller": The comptroller of the city, or if hereafter the employee of the city whose duties are those of treasurer or chief financial employee shall be known by some other title, then the employee having said duties.

"The board": The board of managers provided for by Section 15 of this act for the administration, management and control of the system.

Section 2. This act shall become effective on its approval by the Governor or on its otherwise becoming a law

Approved May 23, 1977

Time: 6:00 P.M.

Act No. 703 H. 450—Pegues, White, Falkenburg, Cooper,
Killian

AN ACT

To amend Section 3 of Act No. 626 passed by the Legislature during the Regular Session of 1976 by providing the Act shall become effective only upon the approval of the Department of Health, Education, and Welfare of the federal government.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 626, Regular Session 1976 is hereby amended to read as follows:

"Section 3. The provisions of this Act shall become effective only upon the approval of the Department of Health, Education, and Welfare of the federal government. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 704

H. 460—Boles

AN ACT

TO FURTHER AMEND ACT NUMBER 134 OF THE 1965 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (ACTS OF ALABAMA REGULAR SESSION 1965, PAGE 201) APPROVED JULY 7, 1965, ENTITLED "AN ACT TO AUTHORIZE THE MAYOR OF ANY CITY OF THIS STATE HAVING A POPULATION OF 300,000 PERSONS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS TO EMPLOY FOR AND IN BEHALF OF SAID CITY A CHIEF ADMINISTRATIVE ASSISTANT.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act Number 134 of the 1965 Regular Session of the Legislature of Alabama (Acts of Alabama Regular Session 1965, Page 201) approved July 7, 1965, entitled "An Act to authorize the Mayor of any city of this state having a population of 300,000 persons or more according to the last or any subsequent federal census to employ for and in behalf of said city a Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor," as amended, be and said Section 1 is hereby further amended to read as follows:

"Section 1. The Mayor of any city of this state having a population of 300,000 persons or more according to the last or any subsequent federal census is hereby authorized to employ for and on behalf of said city an employee to be known as Chief Administrative Assistant to the Mayor to serve at the pleasure of the Mayor, and to define the duties of said employee. The salary of said assistant shall be fixed and determined by the governing body of said city, but shall not exceed \$32,000.00. The Chief Administrative Assistant to the Mayor employed hereunder must reside within the city during the term of his employment. He must have had at least five years experience in public or private business in an executive or managerial capacity; provided, however, a majority of the Council shall have the authority to approve the appointment of a person having different qualifications upon the recommendation of the Mayor. Said Chief Administrative Assistant to the Mayor shall not be subject to the provisions of any merit system, and this Act shall not limit the authority of said Mayor to appoint other employees of said city under civil service or otherwise where authorized by any other law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 705

H. 516—Naramore, Crowe

AN ACT

To amend Section 9 of Act No. 78, S. 72, 1961 Special Session (Acts of 1961, p. 1960); now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, so as to shorten the time a managing cosmetologist must serve before becoming eligible to apply for a license.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 78, S. 72, as amended, 1961 Special Session (Acts of 1961, p. 1960), now appearing in Code of Alabama 1940, Recompiled 1958, Title 46, Section 64 (46), which regulates the licensing of cosmetologists, is hereby further amended as follows:

"Section 9. Qualifications of applicants for examinations or licenses.—No person shall be admitted to examination or receive a license under this act, except as otherwise provided for in this act, unless such person shall possess the following qualifications:

"a. Cosmetologist.—Except as otherwise provided for in this act, no person may be licensed as a cosmetologist in any one or combination of the practices of cosmetology under this act, unless such person shall pay the original licensing fee as hereinafter provided for, and have an education equivalent to the completion of ten grades in school and shall have served and completed the required time and studies as follows:

"1. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 hours of continuous training not to exceed more than eight (8) hours in any one day;

"2. Or as an apprentice in a beauty shop for a period of not less than three thousand (3,000) hours over a minimum period of one (1) year of training not to exceed eight (8) hours in any one day; or, in either event,

"3. Shall have passed an examination to the satisfaction of the board as provided in this act.

"(b) Manicurist.—Except as otherwise provided for in this act, no manicurist may be licensed as such unless such person shall pay the original licensing fee as hereinafter provided for and shall have completed a course of training of not less than three hundred (300) hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than three hundred (300) hours of continuous training not to exceed more than eight (8) hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this act.

"(c) Managing Cosmetologist.—Except as otherwise provided for in this act, no person may be licensed as a managing cosmetologist, unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and has served as such in a registered beauty shop or school of cosmetology for a period of not less than one year prior to such application for a license as managing cosmetologist.

“(d) Apprentices.—Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology.

“(e) Students.—Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school of such enrollment. A student shall be at least sixteen (16) years of age at the time of such registration and shall have an education equivalent to the completion of ten grades in school. Provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose.

“(f) Instructors.—Except as otherwise provided in this act, no person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for, and shall hold a license as a cosmetologist issued to him pursuant to paragraph (a) in this section hereinabove, and in addition,

“1. Shall have completed not less than 1,250 hours in a teacher's training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or

“2. Shall have not less than one (1) year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

“No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

“3. Shall have an education equivalent to the completion of twelve grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology.

"Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice, and upon proper proof of qualifications, said board may issue such teacher's permit to the applicant.

"(g) Student Instructors.—Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology, and upon certification by such school to the board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this act for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for said board shall issue and give an instructor's certificate. Provided that any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board the name and age of such student, his qualifications qualifying him for such course as herein provided and the board shall cause the same to be entered in a register kept for that purpose.

"The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the board, subject to such provisions as the board shall make."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 706

H. 587—Dial

AN ACT

To authorize the collection by certain state officers of blood or urine samples from the bodies of persons who die under certain circumstances; and to relieve the officer of any civil liability which might be incurred by such collection.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Each duly elected or appointed coroner in the State of Alabama is authorized to withdraw and retain or direct the withdrawal and retention of blood and/or urine from the dead body of a person who died unattended by a physician, or who died under suspicious circumstances, or where there is reasonable cause to believe the person died from unnatural and/or unlawful causes. Each duly elected or appointed deputy coroner shall have the same authority to withdraw and retain or direct the withdrawal and retention of a blood and/or urine sample when acting for the coroner. The State Toxicologist and his designated or appointed assistants are authorized to withdraw and retain or direct the withdrawal and retention of blood and/or urine from the dead body of a person who died unattended by a physician, or who died under suspicious circumstances, or where there is reasonable cause to believe the person died from unnatural and/or unlawful causes. A law enforcement officer investigating a fatal motor vehicle accident is authorized to direct the withdrawal and retention of blood and/or urine from the body of any such fatality. The purpose of any withdrawal and retention of blood and/or urine shall be for analyses or studies to assist in determining the cause, manner, and circumstances of death to include a chemical or other test or tests for drugs and/or poisons.

(b) Only a physician, registered nurse, or duly licensed clinical laboratory technologist, clinical laboratory technician, mortician, licensed embalmer, or licensed practicing embalmer may be directed by a coroner, deputy coroner, a law enforcement officer, or the State Toxicologist or his designated or appointed assistants to withdraw blood and/or urine for the purpose or purposes cited in Section 1(a).

(c) No coroner, deputy coroner, the State Toxicologist and his designated or appointed assistants, mortician, licensed embalmer, physician, registered nurse, or duly licensed clinical laboratory technologist or clinical laboratory technician or employers of the aforementioned persons shall incur any civil or criminal liability as a result of the proper withdrawal or securing or retention of a blood and/or urine specimen as provided by Section 1(a) and 1(b).

(d) The State Toxicologist and his designated or appointed assistants shall incur no civil or criminal liability as a result of the proper analyses or studies of blood and/or urine specimens withdrawn and retained as provided in Section 1(a) and 1(b).

Section 2. The provisions of this Act are severable and if any part, section, subsection, clause, paragraph, or phrase of this Act shall be adjudged to be invalid or unconstitutional by

any court of competent jurisdiction, the judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part, section, subsection, clause, paragraph, or phrase of this Act that shall be directly involved in the controversy in which such judgment shall have been rendered.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 707

H. 1009—Hilliard

AN ACT

Relating to cities with populations of more than three hundred thousand; allowing said cities to grant city and county ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. All cities having populations of more than three hundred thousand, according to the last or any succeeding federal decennial census, may henceforth grant city and county ad valorem exemptions as to all property taxes to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of such cities for up to fifteen years, upon the terms and conditions as hereinafter provided for.

Section 2. In order to qualify for the ad valorem tax exemptions provided for in Section 1, the owner-developer must file an application with such municipality in accordance with procedures herefore established by the governing body of such cities, setting forth the improvements proposed to be made, the valuations established for assessment of ad valorem taxes in each of five preceding calendar years, the abatement property tax that will be paid during the period of tax exemption, which abatement tax shall not be less than the then effective

combined total ad valorem tax rate applicable to property situated in such city. Pursuant to said application, the governing body of such cities is hereby authorized to grant the exemption provided for in Section 1 for any period up to fifteen (15) years upon condition that an abatement property tax in an amount not less than that provided for in the first sentence of this section be paid to such city or for the benefit of such city in the manner in which ad valorem taxes levied by such city are paid.

Section 3. The tax exemption herein provided for shall be effective as to all city and county taxes due to be paid on said property after the substantial completion of the improvements proposed in the application heretofore as evidenced by the certificate of the building inspector or like officer of said city, which certificate, together with a certified copy of the resolution adopted by the governing body of such city and the acceptance of the terms thereof, in writing acknowledged in the form required by law for the taking of acknowledgments for deeds of real property, shall be filed in the office of the Probate Judge of the court in which the real property is situated and in the office of the tax assessor or like officer of such county.

Section 4. At the end of the exemption period, or in event of failure of the owner to pay the abatement property tax herein provided for on or before the delinquent tax date such property shall be assessed and taxed in the same manner as other property within the municipal corporation.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 708

H. 1054—Ford, Rich, Brindley, Taylor
AN ACT

Relating to Etowah County; to provide for a salary increase to be paid to all full-time, non-elective and non-appointive employees of Etowah County employed by the General Fund of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. All full-time, non-elective and non-appointive employees of Etowah County, employed by the General Fund of said county, shall be paid a salary increase, in addition to such salaries and other compensation or expenses as may be otherwise provided by law. The salary increase hereby established shall be paid from the Etowah County General Fund and shall be in an amount not to exceed more than \$1,200.00 per annum, the amount to be determined upon recommendation of the chairman of the county governing body; provided further, however, that said governing body shall have the power to exclude from the provision of this act any said employee or group of employees or all employees covered by the provisions of this act.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall take effect on October 1, 1977 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 709

H. 1221—Waggoner

AN ACT

To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, for classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located," to further define the terms "Basic Monthly Earnings," "Monthly Salary" and "Final Average Salary" in said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Article II of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, is hereby further amended so that the following words and terms in said Section 1 shall have the meanings accorded them as follows:

“‘Basic Monthly Earnings’ and ‘Monthly Salary.’ Basic monthly compensation exclusive of overtime or other forms of extra compensation but including longevity pay which shall be regarded as having been received in equal monthly installments during each of the months prior to the accrual date for which said longevity is payable, whether paid to the member employee in monthly or other installments.

‘Final Average Salary.’ The average of the three and one-half years of highest compensation, exclusive of overtime or other forms of extra compensation but including longevity pay, in the ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 710

H. 1264—Waggoner

AN ACT

Relating to Shelby County; authorizing any bank situated within the County to open, establish, operate and maintain branch banks, branch offices or other places of business within the limits of said county; excepting a certain geographical area of Shelby County, Alabama, and any bank whose main office is located in such geographical area from the operation of this act.

Be It Enacted by the Legislature of Alabama:

SECTION 1. When permitted by its charter and bylaws and approved by the State Banking Department or the Comptroller of the Currency for the United States, where appropriate, any bank situated in Shelby County, Alabama, shall be authorized to open, establish, operate and maintain branch banks, branch offices or other places of business for the receipt of deposits, payment of checks and conducting a general banking business within the limits of Shelby County, Alabama.

SECTION 1½. Notwithstanding the provisions of Section 1, no bank may open, establish, operate, or maintain a branch bank, branch office or other place of business (other than the bank's main office) in the following geographical area:

Begin at a point on the Westerly side of Shelby County, Alabama, adjoining Bibb County, Alabama, where said point is intersected by Shelby County Highway No. 54, and run along said last named highway in a Northerly direction to the center line of Shelby County Highway No. 22; thence in an Easterly direction along the center line of said County Highway No. 22 to the center line of old 2-lane paved State Highway No. 31; thence in an Easterly direction along the center line of Shelby County Highway No. 70 to its intersection with Shelby County Highway No. 42; thence in a Southerly and Easterly direction along the center line of said County Highway No. 42 to its intersection with the Northwesterly edge of Coosa River at its present level; thence along the Northwesterly edge of said river to its intersection with the North line of Chilton County, Alabama; thence in a Westerly direction along the North line of said Chilton County to its intersection with the East line of Section 17, Township 22, Range 4 W, being South of and near the town of Wilton, Alabama; thence South along said Section 17 and a small part of Section 20 to the Bibb County line; thence along same in a Westerly and Northwesterly direction to said County Road No. 54, being the point of beginning,

and no bank whose main office is located in such geographical area may open, establish, operate or maintain a branch bank, branch office, or other place of business any where in Shelby County, Alabama.

SECTION 2. There is hereby repealed that certain Local Act No. 1087, enacted by the Alabama Legislature during its regular session in the year 1969. The above law referred to in this section and all laws or parts of laws which conflict with this Act are repealed.

SECTION 2½. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 711

H. 1270—McCulley

AN ACT

To provide an expense allowance for the probate judge of all counties having populations of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge in any county to which this Act applies shall receive an expense allowance of \$250 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 712

H. 1280—Moore (O), Smith (C), Waggoner

AN ACT

Relating to all counties having populations of not less than 36,500 nor more than 39,200 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the work schedule and compensation of the clerk and members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having populations of not less than 36,500 nor more than 39,200 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, the clerks and members of the jury commission shall be entitled to work up to 10 additional days per year.

Section 3. The clerk and the members of the jury commission in such counties shall receive an additional \$10 per day salary for all days when they are actually engaged in the dis-

charge of their duties. Such sums shall be paid from the general fund of the county.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 713

H. 1101—Barron, Harris, Plaster, Lewis
AN ACT

To amend Section 4.02 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide further for statements of candidacy for Mayor in such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4.02 of Act No. 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), is hereby amended to read as follows:

"4.02. Statement of candidacy.—Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by a petition signed by one-fourth of one percent of the registered voters of such city endorsing the candidacy of such candidate and by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least twenty-one days before the day set for such election and shall be in substantially the following form:

"State of Alabama, County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of, in said State and County, and reside at in said city of, that I desire to become a candidate for the office of mayor in said city at the election for said office to be held on the day of October next and that I am

duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____, Judge of Probate." Said statement shall be accompanied by a qualifying fee in an amount equal to \$300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city; provided, however, that if a person desiring to qualify as a candidate cannot afford to pay the qualifying fee he may submit, in lieu of said fee, a signed affidavit to that effect accompanied by a petition requesting his candidacy signed by not less than $\frac{1}{4}$ of one percent of the registered voters qualified to vote in the mayoral election, as determined by the judge of probate. At every such election on ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words "For Mayor." No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provision as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nominations of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 714

H. 1133—McCulley

AN ACT

Relating to Washington County Board of Registrars; providing further for the times they shall meet and the compensation therefor; and providing that all per diem and expenses shall be paid in the same manner and from the same funds as now provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other times now provided by law, the board of registrars of Washington County shall meet every Monday and each member shall receive his regular per diem and expenses or other daily compensation for each day's actual attendance as required by this Act; provided, however, if such meeting is held on the same day a regular session is required to be held under the laws of this State, registrars shall receive only one per diem and expense allowance allowed for performing their regular duties, it being the legislative intent that registrars shall be entitled to receive only one per diem and expense allowance for one day's service. The compensation provided for herein shall be paid in the same manner and from the same funds as now provided by law for the Board of Registrars in Washington County.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this act shall become effective on the first day of the month following passage of this Act or it otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 715

H. 1136—Callahan

AN ACT

Relating to all counties having a population of not less than 300,000 nor more than 600,000 according to the 1970 or any subsequent Federal decennial census; providing for the payment by the county of expense allowances for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 600,000 inhabitants, according to the 1970 or any subsequent Federal decennial census, members of the county commission shall be entitled to receive an expense allowance of \$250 per month, which shall be in addition to all other compensation and allowances now provided by law for such commissioners. Such allowances shall be paid from the general funds of the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 716

H. 1342—Falkenburg, White

AN ACT

RELATING TO CITIES HAVING A POPULATION OF 250,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR MOST RECENT FEDERAL DECENNIAL CENSUS; TO AUTHORIZE PROVISION OF HOSPITALIZATION INSURANCE FOR RETIRED EMPLOYEES BETWEEN THE AGES OF 50 AND 65, AND TO RETIRED EMPLOYEES RETIRED BECAUSE OF DISABILITY AT ANY AGE UP TO AGE 65.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in those cities having populations of 250,000 inhabitants or more, according to the last or most recent Federal decennial census.

Section 2. As used herein, the term "retired employees" means any former employee of such city who left the employ of such city under such circumstances as to be entitled to benefits under any retirement or retirement and relief system established by such city, or provided for by statute applicable to such city.

Section 3. The governing body of any city having a population of 250,000 or more according to the last or most recent Federal decennial census is hereby authorized to provide a hospitalization insurance benefit to its retired employees between the ages of 50 and 65, and to provide a hospitalization insurance benefit to its retired employees who were retired because of disability at any age up to age 65.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 717

H. 1343—Falkenburg, White

AN ACT

To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the term "Act 929" means Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579, et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding Federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Section 2. It is hereby provided that Section 2 of ARTICLE V of Act 929 is amended so as to read as follows:

"Section 2. City's Contributions.

“(1) At the same time the deductions attributal to Participants’ contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of the City as follows:

a. The actuaries shall determine the Normal Cost of the benefits provided by the System;

b. From the Normal Cost shall be subtracted the value of the Participants’ contributions in the previous fiscal year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the fiscal year, the resultant percentage shall be called the ‘Current Service Percentage’ and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City’s ‘Current Service Cost’ for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the ‘Past Service Percentage’ and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City’s ‘Past Service Cost’ for the Payroll Period.

During each fiscal year ending prior to October 31, 1981, the total contribution of the City shall not be less than nine percent (9%) of total covered payroll.

Section 3. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 718

H. 1349—Cates

AN ACT

Relating to all counties having populations of not less than 22,000 nor more than 22,500 inhabitants according to the 1970 or any subsequent federal decennial census; authorizing the governing bodies of

such counties to pay certain expenses incurred by the judge of probate and employees assigned to work in the probate judge's office.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 22,000 nor more than 22,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county governing body of any county to which this act applies is hereby authorized to reimburse the probate judge and employees of the probate judge's office for expenses, including but not limited to membership dues and other expenses, incurred in attending state conferences, schools, and other functions pertaining to their official duties in the offices of the probate judge. Such payments shall be in addition to any other compensation and allowances heretofore provided for by law and shall be payable upon approval by the county governing body from any funds in the county treasury not otherwise appropriated.

Section 2. Membership dues and fees may be paid by remittance to the Secretary-Treasurer of such organization upon presentation of a statement therefor.

Section 3. Expenses may be remitted directly to the individual concerned upon presentation of an itemized statement indicating actual expenses incurred and such statement shall be properly sworn to.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 719

H. 1351—Crawford, Carothers, Smith (J),
Williams

AN ACT

To name the state docks at Columbia, Alabama, for Mr. E. E. Wakefield.

WHEREAS, Mr. E. E. Wakefield has served as mayor of Columbia for sixteen years; and

WHEREAS, he is a member of the National Association for Rivers and Harbors and a founding member of the Tri-Rivers Waterway Development Association; and

WHEREAS, he has been a prominent figure in social, religious and civic affairs in Columbia giving unselfishly of his time and energy; and

WHEREAS, Mr. E. E. Wakefield put forth an indomitable effort and showed amazing foresight as mayor in obtaining the docks at Columbia; and

WHEREAS, the Legislature of Alabama desires to honor this courageous man for his service and devotion to his community by naming the state docks at Columbia, Alabama, for him; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The state docks at Columbia, Alabama, shall be named the E. E. Wakefield Docks.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 720

H. 1357—Callahan

AN ACT

To amend Section 5 of Act No. 265 adopted at the 1963 Regular Session of the Legislature of Alabama, as heretofore amended, which pertains to airport authorities, so as to make provisions with respect to the number and the terms of office of the members of the board of directors of any airport authority incorporated under said act in a county having not less than 300,000 inhabitants and not more than 600,000 inhabitants according to the last or any subsequent federal decennial census, and with respect to the eligibility of certain officers to serve as members of the board of directors of such an airport authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 265 adopted at the 1963 Regular Session of the Legislature of Alabama, as heretofore amended by Act No. 2251 adopted at the 1971 Regular Session of the Legislature of Alabama, shall be and hereby is further amended to read as follows:

"Section 5. Board of Directors of the Authority. Each Authority shall be governed by a board of directors of three or more members, selected as provided herein.

(a) One County Sole Authorizing Subdivision. If the sole authorizing subdivision is a county, the governing body of said county shall elect all members, the number of such members to be set out in the certificate of incorporation of said Authority; and

(b) All Other Cases. In all other cases, one member shall be elected by the governing body of each authorizing subdivision; one member shall be elected by the governing body of the county in which is located the principal office of the Authority specified in the certificate of incorporation if such county is not an authorizing subdivision; and one additional member shall be agreed to and elected by the governing bodies of all the authorizing subdivisions and the governing body of said county in which is located the principal office of the Authority specified in the certificate of incorporation; provided, that each member elected by the governing body of one of the authorizing subdivisions shall be a resident of the authorizing subdivision by whose governing body he was elected, but the said additional member need only be a resident of the county in which is located the principal office of the Authority specified in the certificate of incorporation; and in the event of a vacancy which continues for more than thirty days in the office of the said additional member to be elected by all the governing bodies, then and in such event the Governor of Alabama shall, upon the request of any one of such governing bodies, appoint the said additional member; provided, however, that [notwithstanding any of the foregoing provisions of this subdivision (b)] in the case of any Authority incorporated in a county having not less than 300,000 inhabitants and not more than 600,000 inhabitants, according to the last or any succeeding federal decennial census, the members of the board of directors shall be of such number, and each shall be elected by such governing body or governing bodies (of the authorizing subdivisions and of the said county, if it is not an authorizing subdivision) and for such term of office, as shall be specified in its certificate of incorporation or an amendment thereof.

If the airport, heliport or aircraft landing area owned or

operated by or under the jurisdiction of the Authority is located in a county or counties other than the county which is, or in which is located, an authorizing subdivision, one additional member of said board shall be elected by the governing body of the county in which more than fifty per cent of the land used for such airport, heliport or aircraft landing area is located, such member to be a resident of such county. If such principal airport, heliport or aircraft landing area owned or operated by or under the jurisdiction of the Authority is located in more than one county, then the governing body of any county in which less than fifty per cent of such landing area is located may elect one member of the board of directors of such Authority if the certificate of incorporation as filed or amended shall so provide, such member to be a resident of such county.

No officer of the State or any county, city, or town therein shall, while holding such office, be eligible to serve as a director; provided, however, that any officer of an authorizing subdivision shall be eligible to serve as a member of the board of directors of an Authority incorporated in a county having not less than 300,000 inhabitants and not more than 600,000 inhabitants, according to the last or any succeeding federal decennial census, for the duration of any term on the board of directors to fill which he was elected or for the duration of his tenure as an officer of such authorizing subdivision (whichever terminates first), but he shall not receive any compensation for his services as a director: provided, however, that at no time shall more than one officer of any particular authorizing subdivision serve as a member of the said board of directors.

The term of office of each director shall be set out in the certificate of incorporation of said Authority, and such terms shall be staggered as set out in the certificate of incorporation, or in such certificate as amended, so that the term of at least one director shall expire each year. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner prescribed hereinabove by the governing body which elected the director whose unexpired term he is filling or, in the case of the additional member referred to in the third clause of the foregoing subdivision (b), by all the governing bodies by whom such additional member is provided in the said subdivision (b) to be elected (and failing such election for a period of more than thirty days, shall be appointed by the Governor, upon the request of any such governing body). Directors shall be eligible for re-election.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any

meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the Authority. The board of directors shall hold regular meetings on the second Tuesday in each month and at such other times as may be provided in the by-laws of the Authority; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the Authority or any two directors, a special meeting of the board must be held. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the Authority, recorded in a well bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides each director shall also be compensated by the Authority in an amount not to exceed \$20.00 per month, at a rate authorized by the board and by the certificate but not to exceed \$10.00 for each board meeting attended by him. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175."

Section 2. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 721

H. 1365—White

AN ACT

To approve an increase in the rate of ad valorem taxation now permitted by the Constitution, as amended, in the City of Mountain Brook by not exceeding three-fourths of one per cent of the assessed valuation of taxable property in said City, the proceeds of said tax to be used for general municipal purposes, pursuant to Article XI. Section 217 of the Constitution, as amended, and Amendment No. 336 to the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds and determines that, pursuant to Article XI, Section 217 of the Constitution of Alabama, as amended, and Amendment No. 336, proposed by Act No. 415 enacted at the 1973 Regular Session of the Legislature submitted at the general election on November 5, 1974, and proclaimed ratified on November 13, 1974, relating to the City of Mountain Brook (herein called the "Mountain Brook Amendment"), the City Council of the City of Mountain Brook did on July 12, 1976, conduct a public hearing on the proposed increase in the rate of ad valorem taxation in the City of Mountain Brook approved in Section 2 of this Act, and after said public hearing, the said City Council has proposed the increase in the rate of ad valorem taxation in the City of Mountain Brook approved in Section 2 of this Act.

Section 2. Pursuant to Article XI, Section 217 of the Constitution, as amended, and the Mountain Brook Amendment, the Legislature does hereby approve an increase in the rate of ad valorem taxation in the City of Mountain Brook over the rates now permitted by the Constitution, as amended, by not exceeding three-fourths of one per cent of the assessed value of taxable property in said City, the proceeds of said tax to be used for general municipal purposes.

Section 3. No increase in the rate of ad valorem taxation in the City of Mountain Brook approved in Section 2 of this Act shall be effective until approved by a majority vote of the qualified electors of the City of Mountain Brook who vote upon such proposal at an election which the City Council shall have authority to call and hold at such time as it may determine.

Section 4. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 722

H. 1366—Smith (J)

AN ACT

To alter or rearrange the boundary lines of the City of Samson, Geneva County, Alabama, so as to include within the corporate limits of said City, all territory now within such corporate limits and also certain other territory contiguous thereto, in Geneva County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Samson, Geneva County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Samson and in addition hereto the following described territory all in Township 2 North, Range 20 East, Geneva County, Alabama, to-wit:

1. That part of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 27, lying outside of the previous existing city limits and South of a line parallel with and 1028 feet due North of the North boundary line of the Louisville and Nashville (L&N) Railroad.

2. That part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 27, lying outside of the previous existing city limits.

3. That part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 26, lying South of a line parallel with and 1028 feet due North of the North boundary line of the Louisville and Nashville (L&N) Railroad.

4. That part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, lying South of the Louisville and Nashville (L & N) Railroad.

5. That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, lying outside of the previous existing city limits.

6. The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 34.

7. The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35.

Section 2. All pasture and farm land embraced within the boundaries of the City of Samson, as set out in Section One above, but which was not a part of the City of Samson prior to the passage of this Act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Samson, Alabama.

Section 3. Any area which is located within the boundaries of the City of Samson, as set out in Section One above, but which are not part of the City of Samson prior to the passage of this Act fixing the above said boundaries, shall not be subject to assessment for ad valorem taxation by the City of Samson, until the City of Samson, through itself, or through any board whose members are appointed by the City of Samson, shall make

available to said area and the residents thereof the following municipal services: police protection, fire protection and water service.

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. Should any section, provision or part of this Act be declared unconstitutional or void by any Court of competent jurisdiction, it shall not affect the validity of the remaining section, provisions or parts of this Act.

Section 6. This Act shall become effective immediately upon its passage, or approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 723

H. 1367—McCluskey

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a public law library in Coosa County, Alabama; to authorize the governing body of said county to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain courts in said county for such purpose and for the expenditure thereof; to provide for the management and control of said library.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Coosa County, Alabama, by whatever name called, shall establish and maintain a public law library in said county, and to accomplish said purpose, may from time to time expend such public funds of said county, as are not required by law to be expended for any other purpose or purposes, to provide furniture, fixtures and equipment therefor, to keep the same in a good state of maintenance and repair, and, from time to time, to enlarge, expand and improve such library, facilities and equipment, and, from time to time, to provide such books, reports and periodicals for said library as are not provided therefor out of the special fund created by this act or otherwise. The governing body of Coosa County, Alabama, shall provide adequate and suitable housing or quarters for such library. Said library shall be designated as the "Coosa County Public Law Library."

Section 2. In order to provide a special fund for the maintenance of said library, there shall be taxed as costs in the cir-

cuit court and in the district court of Coosa County, Alabama, or in court or courts created in lieu thereof, the sum of three and no/100 dollars (\$3.00) in each civil or quasi-criminal case or any other proceeding filed in, arising in, or brought by appeal, certiorari, or otherwise in said courts in said county, which costs shall be collected as other costs in such cases are collected by the clerk of said courts or the register or other such officer thereof, as the case may be, and shall be paid to the clerk of the probate court of Coosa County, Alabama, and deposited in a separate fund designated as "Coosa County Public Law Library Fund."

Section 3. The management and control of said public law library shall be vested in a four person committee, said committee to be designated as the "Coosa County Legal Library Committee", with said committee to be comprised of the following: the presiding circuit judge of the judicial circuit in which Coosa County is located, the district judge of the judicial district in which Coosa County is located, the probate judge of Coosa County, and a person to be designated by the Coosa County Bar Association, said person to be a member of said bar association. Said committee shall expend said funds for establishing, maintaining, equipping and operating a law library within Coosa County, Alabama. All books and other property purchased from the funds produced by this act shall be the property of Coosa County, Alabama, provided, however, that said committee may from time to time sell at public or private sale, destroy as being obsolete, or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof, or the value thereof, upon the purchase of other materials for said library. Said fund may be used to match grants from governmental agencies for the purposes of this library. All purchases for such library shall be exempt from all State of Alabama, county or municipal sales taxes or use taxes.

Section 4. The said items of cost above referred to shall be designated in said respective courts as "Public Law Library Fee" and shall be taxed as other costs are taxed in said courts. On or before the 10th day of each month, the clerk or other collecting officer of the respective courts shall pay to the said probate court clerk the amounts collected for said public law library fees prior to the first day of the month.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 724

H. 1368—McClusey

AN ACT

Relating to Coosa County; fixing the terms of office of the members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 2. The term of office of each member of the Coosa County Commission shall be six (6) years. The incumbent members shall serve until their successors are elected and qualified as provided herein. One Commissioner shall be elected from each of the four commission districts as follows: At the general election in 1978, and every six (6) years thereafter, from the first and third districts; at the general election in 1980, and every six (6) years thereafter, from the second and fourth districts. Each commissioner shall take office on the first Monday after the Second Tuesday in January following his election and shall serve until his successor is elected and qualified as prescribed by law.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 725

H. 1369—Dial

AN ACT

Relating to all counties having populations of not less than 12,000 nor more than 12,800 inhabitants according to the 1970 or any subsequent

federal decennial census; regulating expense allowances for members of the county board of equalization in such counties; and providing for the manner of payment therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 12,000 nor more than 12,800 inhabitants according to the 1970 or any subsequent federal decennial census, each member of the board of Equalization in such counties shall be entitled to a total per diem expense allowance of twenty-five dollars (\$25) for each meeting of the board. This sum shall include the per diem now provided by Title 51, Section 94 of the Code of Alabama of 1940, as amended. All amounts in excess of the per diem provided by said statute shall be paid from the general funds of the county treasury in the same manner as other such allowances are paid.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 726

H. 1370—Dial

AN ACT

Relating to all counties having populations of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census; further regulating the compensation of the members of the county board of equalization in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 10,900 nor more than 11,500 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the members of the county board of equalization shall be entitled to an allowance of (\$15) for each day the board is in session. Such allowance shall be in addition to any and all other compensation, salary, and allowances provided for by law and shall be payable from the general fund.

Section 3. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 727

H. 1372—Robertson

AN ACT

Relating to Pickens County; to authorize the governing bodies of Pickens County and the governing bodies of all municipalities within said county to create the Pickens County Park and Recreation Authority, to appropriate funds to such authority, and to abolish existing park and recreation boards upon the establishment of such authority.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of Pickens County and all municipalities within such county are hereby authorized to create the Pickens County Park and Recreation Authority to serve the County of Pickens and the cities therein.

Section 2. Such authority shall be created when each of the governing bodies named above shall adopt a resolution signifying their desire that such an authority be created and fixing the effective date for its coming into existence, and shall file such resolutions in the Office of the Judge of Probate of Pickens County, Alabama. When such authority is brought into existence as herein authorized, it shall not be dissolved by the withdrawal of any of the governing bodies therefrom for a period of one year and, thereafter, no such governing body shall withdraw therefrom except at the end of a fiscal year of such authority.

Section 3. Such authority shall be governed by a board consisting of respected citizens of Pickens County carefully selected for their knowledge and interest in parks and recreation and for their community leadership. Such members shall be appointed as follows:

(a) The governing body of each municipality in the county shall appoint one member for a term of four years and shall

thereafter appoint successors to such members for terms of four years.

(b) The governing body of the county shall appoint one member for a term of one year and one member for a term of four years and shall thereafter appoint successors to such members for terms of four years.

(c) The Pickens County Board of Education shall appoint one member for a term of one year and shall thereafter appoint the successors to such member for terms of four years.

The board shall elect annually from among its own number a chairman who shall vote only in the event of a tie. The board shall adopt rules and regulations covering its policies and procedures, and the use of lands, buildings and facilities under its jurisdiction. No member of the board shall receive any compensation for services rendered as a member of such board. It shall be unlawful for any member of such board to have contractual relations with such board involving the sale or lease of land, personal property, facilities or the performance of services.

Section 4. The board shall appoint a director of parks and recreation and prescribe his duties, qualifications, authority and compensation. The director shall employ any personnel the board deems necessary to carry out the purposes of this act and the director shall prescribe their qualifications, duties, authority and compensation.

Section 5. The board shall direct, supervise, and promote such recreation programs as will contribute to the general welfare of the residents of the county, it shall have control over all lands, buildings, equipment and other facilities purchased or leased by it, or assigned to it for recreational purposes by the county, by any municipality within the county, or otherwise acquired by it.

Section 6. The board is hereby authorized to:

(a) Enter into contracts with and cooperate fully with other local agencies, state agencies and federal agencies for the purpose of maintaining and improving the recreational services and facilities of the county.

(b) Acquire lands, buildings, and facilities for recreational purposes through purchase, lease, gift, or sale;

(c) Accept grants or loans from the federal government, state government, foundations, etc. when such grants or loans are available;

(d) Borrow money for recreational purposes and issue revenue bonds under such terms as may be practicable.

Section 7. Any county park and recreation board and any municipal park and recreation board heretofore created within Pickens County Park and Recreation Authority and all buildings, land, facilities and personal property hereby controlled by such boards and authorities are hereby placed under the control, and shall be maintained by the county park and recreational authority created under this act; provided, however, that the title to any real property used or controlled by such authority shall be retained by its present owners if so desired; and provided, further, that if any governing body should elect, as hereinabove authorized, to withdraw from such authority and to withdraw its buildings, lands and facilities from the control of the authority, nothing herein shall prevent the re-establishment of any municipal park and recreation board as may be otherwise authorized by law.

Section 8. The governing bodies of Pickens County and of any municipalities therein shall each appropriate to the authority authorized herein any funds the governing bodies deem advisable to carry out the purposes of this act.

Anticipated revenue of the authority shall be included in the annual budget and all revenue accrued by the authority shall be retained by the authority.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 5:30 P.M.

Act No. 728

H. 1374—Kinsey, McMillan

AN ACT

To authorize the county governing bodies of all counties having populations of not less than 57,000 nor more than 61,000, according to the 1970 or any subsequent federal decennial census, to formulate, issue, promulgate and enforce any reasonable rules, regulations and directives to regulate further the operation of any motor or motorized vehicle upon coastal beaches or sand dunes located within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing bodies of all counties having populations of not less than 57,000 nor more than 61,000, according to the 1970 or any subsequent federal decennial census, are hereby authorized to formulate, issue, promulgate and enforce any reasonable rules, regulations and directives to regulate further the operation of any motor or motorized vehicle upon the coastal beaches or sand dunes, located within the county, in order to protect the public, preserve the peace, abate nuisances and to protect and preserve the environment.

Section 2. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating the operation of motor or motorized vehicles upon coastal beaches or sand dunes; provided, however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 729

H. 1375—Smith (J)

AN ACT

Relating to all counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; further implementing Section 9 of Act No. 160, H. 59 of the 1971 Third Special Session, relating to property reappraisal, so as to authorize the county governing bodies in such counties to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties the county governing body shall employ sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 3. The Revenue Commissioner shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and evaluated in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 4. The Revenue Commissioner shall collect the cost of this appraisal and mapping program, which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

Section 5. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This law shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 730

H. 1380—Cooper

AN ACT

To further amend Sections 1, 4 and 5 of Act No. 172, H. 187, First Special Session 1964, as amended, which Act relates to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by authorizing one additional legal stenographer and setting the salary range therefor, payable from county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 4 and 5 of Act No. 172, H. 187, First Special Session 1964, as amended, are hereby further amended to read as follows:

“Section 1. In Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, there are hereby established the positions of administrative assistant to the District Attorney, and four legal stenographers to the District Attorney in said circuits.

"Section 4. The administrative assistant to the District Attorney shall receive as compensation for such services the sum of not less than eighty-four hundred dollars annually and not more than ten thousand dollars annually, and the four legal stenographers to the District Attorney each shall receive as compensation for such services the sum of not less than six thousand dollars annually and not more than eighty-four hundred dollars annually the amounts to be fixed by the District Attorney and to be payable in equal monthly installments out of the general fund of the county comprising such circuits.

"Section 5. The provisions of any existing Merit System or Civil Service Law shall not be applicable to such Administrative Assistant to the District Attorney, the said legal stenographers to the District Attorney and the provisions of any law, local or general in conflict with any of the provisions of this Act are repealed."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 731

S. 759—Wilson

AN ACT

Relating to all counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census; to abolish all supplements and expense allowances for certain county officials and to set the salaries of such officials.
Be It Enacted by the Legislature of Alabama:

Section 1. There are hereby abolished all supplements and expense allowances for the tax assessor and tax collector in counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The salaries for such officers are set at:

Tax Assessor	\$15,000 per annum
Tax Collector	\$15,000 per annum

The above salaries of such officers shall be in lieu of fees, commissions, allowances, percentages, charges and costs, and shall be the entire compensation of the officer for the perform-

ance of the duties of his office and all duties attached to the office by general, special, or local laws.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective October 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 732

S. 767—Fine

AN ACT

Relating to all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census; empowering the governing body of any such county to authorize the sheriff of the county to employ cooks at the county jail; empowering the governing body of any such county to fix the compensation of such cooks; providing for the payment thereof out of the county general fund and giving this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 23,900 nor more than 24,450 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In any county to which this act applies, the governing body of such county is hereby empowered and authorized to authorize the sheriff of the county to employ cooks at the county jail, which cooks shall serve at the pleasure of the sheriff of the county.

Section 3. The cooks employed under the provisions of this act shall receive such salary as may, from time to time, be fixed and allowed by the county governing body. The salary is to be paid in equal monthly or semimonthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall have retroactive effect to January 21, 1975.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 733

S. 811—Edwards

AN ACT

Relating to Morgan County; to further regulate the compensation of members of the county board of registrars; to repeal any laws conflicting with this Act and specifically Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203) and Act No. 580, S. 568, Regular Session 1976 (Acts 1976, p. 787).

Be It Enacted by the Legislature of Alabama:

Section 1. This act provides that each member of the Morgan County board of registrars shall be entitled to compensation from the county in the amount of \$10.00 per day for each day's attendance to be paid out of the county general fund and in addition to any compensation of registrars payable under state general law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed and specifically Act No. 668, S. 787, Regular Session 1969 (Acts 1969, p. 1203) and Act No. 580, S. 568, Regular Session 1976 (Acts 1976, p. 787).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 734

S. 812—Edwards

AN ACT

Relating to Morgan County, to amend further Act No 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county so as to provide further for the composition of said commission, and to provide that the county governing body shall set the maximum salary limits of the clerk and other appointive members of the commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), are hereby further amended to read as follows:

"Section 2. Hereafter, the jury commission of Morgan County shall be composed of the circuit court judges of the eighth judicial circuit of Alabama who reside in Morgan County, the district court judges of Morgan County residing in the county, and three qualified electors of the county who are reputed for their fairness, impartiality, integrity and good judgment, appointed by the governor. The three appointive members of the jury commission shall hold office for terms to run concurrently with the term of governor. The three appointive members of the commission shall take the constitutional oath of office and shall be commissioned by the governor and shall not during their tenure in said office hold any other public office by appointment or election or perform any other public duty under the federal, state, county or municipal government which carries with it any compensation whatsoever.

"Section 3. The ex officio members of the jury commission of Morgan County shall not be entitled to any remuneration whatever for the performance of their duties as jury commissioners. The appointed members of the commission shall be entitled to compensation at a rate of ten dollars a day for each day's service, but not exceeding an annual amount to be determined by the county governing body. The commission is authorized and empowered to employ a clerk to serve under the direction of the commission and to perform the duties incumbent upon such clerk under the general laws of the State of Alabama as prescribed in Chapter 2 of Title 30, Code of Alabama 1940, and the commission shall fix and prescribe the compensation to be paid to such clerk, which such compensation shall be not less than nine hundred dollars, and not more than an annual amount to be determined by the county governing body, to be paid to the clerk in equal monthly payments, out of the county treasury upon the order of the President of the commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 735

S. 814—Edwards

AN ACT

Relating to Morgan County; to provide additional compensation for poll workers and poll officials in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other compensation provided for by law, all officials and poll workers at any election held in Morgan County shall receive the additional sum of five dollars per day to be paid out the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 736

S. 815—Edwards

AN ACT

To repeal Act No. 928, H. 1765 of the Regular Session of 1971 (Acts 1971, p. 1687) entitled, "An Act To provide for expense allowances for tax assessors in certain counties classified on a population basis."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 928, H. 1765 of the Regular Session of 1971 (Acts 1971, p. 1687) entitled, "An Act To provide for expense allowances for tax assessors in certain counties classified on a population basis," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 737

S. 816—Wilson

AN ACT

To repeal Act No. 748, S. 604 of the Regular Session of 1975 (Acts 1975, p. 1515) entitled, "An Act Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 748, S. 604 of the Regular Session of 1975 (Acts 1975, p. 1515) entitled, "An Act Relating to counties

having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 738

S. 817—Wilson

AN ACT

To repeal Act No. 926, H. 1763 of the Regular Session of 1971 (Acts 1971, p. 1686) entitled, "An Act To provide for expense allowances for Tax Collectors in certain counties classified on a population basis."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 926, H. 1763 of the Regular Session of 1971 (Acts 1971, p. 1686) entitled, "An Act To provide for expense allowances for Tax Collectors in certain counties classified on a population basis," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 739

S. 818—Wilson

AN ACT

To repeal Act No. 69, H. 70 of the Third Special Session of 1971 (Acts 1971, p. 4217) entitled, "An Act To provide for an additional eighteen hundred dollars (\$1,800.00) expense allowance for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 69, H. 70 of the Third Special Session of 1971 (Acts 1971, p. 4217) entitled, "An Act To provide for an additional eighteen hundred dollar (\$1,800.00) expense allowance

for the county treasurer of counties having a population of not less than 55,500 nor more than 56,500, according to the most recent federal decennial census," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 740

S. 756—Teague

AN ACT

Relating to all counties having population of not less than 65,000 nor more than 68,000 according to the 1970 or any subsequent federal decennial census; to provide for the deposit of all pistol permit fees into a special fund to be known as the sheriff's law enforcement fund for the use of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 68,000 according to the 1970 or any subsequent federal decennial census, all fees collected from the issuance of pistol permits shall be deposited by the sheriff into a fund to be known as the sheriff's law enforcement fund. Such fund shall be drawn on by the sheriff upon approval of the county commission and shall be used exclusively for law enforcement purposes.

Section 2. The establishment of the sheriff's law enforcement fund as provided by this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 741

S. 819—Wilson

AN ACT

To repeal Act No. 2400, H. 1767 of the Regular Session of 1971 (Acts 1971, p. 3831) entitled, "An Act To provide for expense allowances for the Judge of the Intermediate Court in certain counties classified on a population basis."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2400, H. 1767 of the Regular Session of 1971 (Acts 1971, p. 3831) entitled, "An Act To provide for expense allowances for the Judge of the Intermediate Court in certain counties classified on a population basis," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 742

S. 820—Wilson

AN ACT

To repeal Act No. 682, S. 277 of the Regular Session of 1965 (Acts 1965, p. 1243) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 682, S. 277 of the Regular Session of 1965 (Acts 1965, p. 1243) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 743

S. 821—Wilson

AN ACT

To repeal Act No. 71, H. 181 of the Second Special Session of 1965 (Acts 1965, p. 94) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 71, H. 181 of the Second Special Session of 1965 (Acts 1965, p. 94) entitled, "An Act To provide expense allowances for the circuit court judges of the Fourteenth Judicial Circuit of Alabama payable from the general funds of the county constituting such circuit," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 744

S. 822—Wilson

AN ACT

To repeal Act No. 104, S. 15 of the First Special Session of 1971 (Acts 1971, p. 186) entitled, "An Act Relating to all counties having populations of not less than 55,000 nor more than 56,500 according to the most recent federal decennial census; providing an expense allowance for the circuit clerk of such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 104, S. 15 of the First Special Session of 1971 (Acts 1971, p. 186) entitled, "An Act Relating to all counties having populations of not less than 55,000 nor more than 56,500 according to the most recent federal decennial census; providing an expense allowance for the circuit clerk of such counties," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 745

S. 830—Edwards

AN ACT

To amend Section 1 of Act No. 849, S. 189, 1975 Regular Session (Acts of 1975, p. 1691), entitled, "An Act Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint," so as to correct an error in the description of the property to be annexed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 849, S. 189, 1975 Regular Session (Acts of 1975, p. 1691), is hereby amended to read as follows:

"Section 1. The boundary lines and corporate limits of the Town of Flint in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property:

"Tract 1: All that part of the S $\frac{3}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 17, Township 6 South, Range 4 West and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 20, Township 6 South, Range 4 West; lying East of U.S. Highway No. 31."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 746

H. 878—Smith (J)

AN ACT

Relating to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide further for the election of the county superintendent of education and members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to counties having a population of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county superintendent of education and

members of the county board of education in counties to which this act applies shall be elected only by the qualified electors residing within the school districts under the jurisdiction of the county board of education.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 747

S. 833—Teague

AN ACT

Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide certain expense allowances for the members of the county commission of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, the members of the county commission shall each be entitled to an expense allowance of \$500 per month which shall be paid in the usual manner from the county general fund and which shall be paid in lieu of all other expense allowances heretofore provided by law for such members. Provided, however, that in addition to such allowance, each member shall be entitled to reimbursement for actual expenses incurred while traveling out of such counties on official business upon proper submission of vouchers and receipts of such expenses.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its

otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 748

S. 876—Wilson

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The county treasurer of such county shall receive an additional expense allowance of twenty-eight hundred dollars (\$2,800). This amount will be in addition to all other salary, compensation and expense allowances and shall be paid out of the general fund of the county.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 749

S. 877—Wilson

AN ACT

Relating to counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census; to provide an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 55,500 nor more

than 56,500 according to the 1970 or any subsequent federal decennial census.

Section 2. The probate judge of such county shall receive an additional expense allowance of \$400 per month, which allowance shall be paid out of the general fund in the county treasury on warrants drawn in the manner prescribed by law. The expense allowance provided for herein shall be in addition to all other allowances provided the probate judge in performing the duties of his office.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 750

S. 878—McMillan, Vacca, Ellis

AN ACT

RELATING TO CITIES HAVING A POPULATION OF 250,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR MOST RECENT FEDERAL DECENNIAL CENSUS; TO AUTHORIZE PROVISION OF HOSPITALIZATION INSURANCE FOR RETIRED EMPLOYEES BETWEEN THE AGES OF 50 AND 65, AND TO RETIRED EMPLOYEES RETIRED BECAUSE OF DISABILITY AT ANY AGE UP TO AGE 65.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in those cities having populations of 250,000 inhabitants or more according to the last or most recent Federal decennial census.

Section 2. As used herein, the term "retired employees" means any former employee of such city who left the employ of such city under such circumstances as to be entitled to benefits under any retirement or retirement and relief system established by such city, or provided for by statute applicable to such city.

Section 3. The governing body of any city having a population of 250,000 or more according to the last or most recent Federal decennial census is hereby authorized to provide a hospitalization insurance benefit to its retired employees between the ages of 50 and 65, and to provide a hospitalization insurance

benefit to its retired employees who were retired because of disability to any age up to age 65.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 751

H. 233—Pegues

AN ACT

To remove all water works systems having 100 customers or less from regulation by the Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. All water works systems serving 100 customers or less are hereby relieved from regulation by the Public Service Commission, and no rule or regulation of the Public Service Commission shall be deemed to apply to said systems.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 752

H. 288—Campbell, Pegues, Smith (B),
McCluskey, Venable, Quarles

AN ACT

To validate, in certain cases, annexations heretofore held by municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Every annexation heretofore undertaken, under any statutory procedure for annexation, by any municipality and which said annexation procedure has been completed, and notwithstanding any irregularity or defect in the procedure, shall be, and is hereby, ratified and confirmed and given effect in all

respects as if all provisions of law relating to such annexation proceeding had been duly and legally complied with, but provided that this Act shall not apply to any annexation or attempted annexation which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama, or by the Civil Court of Appeals of Alabama, or by any final decree of the circuit court or other court of like jurisdiction in the county in which the annexation was completed and from which decree an appeal was not taken to the Supreme Court of Alabama or the Civil Court of Appeals of Alabama within the time provided by law for taking such appeals, or to any annexation, the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 753

H. 285—Campbell, Pegues, Smith (B),
McCluskey, Venable, Quarles

AN ACT

To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county for the purpose of voting upon and deciding the question of whether bonds of such municipality or county, as the case may be, shall be issued, at which election a majority of the votes cast were in favor of the issuance of the bonds but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing or recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with; and bonds may be issued pursuant to the authorization purported to have been granted at such election, and any bonds heretofore or hereafter issued pursuant to such purported

authorization shall be valid; provided, that this Act shall not apply to any election which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama, or by final decree of the Circuit Court or other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 754

H. 287—Campbell, Pegues, Smith (B),
McCluskey, Venable, Quarles

AN ACT

To validate in certain cases elections held in municipalities or counties on the question of authorizing any special taxes under the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. Every election heretofore held in any municipality or in any county on the question of the levy of a special tax for any purpose under the Constitution of Alabama, including any amendment thereto, at which election a majority of the votes cast were in favor of the levy of the said tax but which election was irregular by reason of failure prior to the holding of the election to give notice thereof in a newspaper or by posting in the manner or for the time required by any statute applicable to the election, or because of the failure to comply with any other statutory requirement applicable to the election, or because of any other irregularity with respect to the holding of the election or canvassing and recording the results thereof, shall be and every such election is hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such election had been duly and legally complied with, and the said tax may be levied and collected pursuant to the authorization purported to have been granted at such election; provided, that this Act shall not apply to any election which, prior to the enactment of this Act, has been held invalid by the Supreme Court of Alabama or by final decree of the Circuit Court or

other court of like jurisdiction in the county in which the election was held and from which decree an appeal was not taken to the Supreme Court of Alabama within the time provided by law for the taking of such appeals, or to any election the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 755

H. 310—McMillan

AN ACT

To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters as follows:

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 533, S. 166, 1957 Regular Session entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund", and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," is hereby amended to read as follows:

"Section 11. **ROSTER OF REGISTERED FORESTERS.** A roster showing the names and places of business of all registered foresters qualified according to the provisions of this Act, shall be prepared by the Secretary of the Board during the month of January biennially in even-numbered calendar years. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and, furnished to the public upon request."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 756

H. 311—McMillan

AN ACT

To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act to Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 13 and 16 of Act No. 533, S. 166, 1957 Regular Session (Acts of 1957, p. 750), as amended, entitled "An Act To create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund", and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," are hereby further amended to read as follows;

"Section 13. APPLICATION AND REGISTRATION

FEES. Application for registration shall be made on forms prescribed and furnished by the Board; shall contain statements made under oath, showing the applicant's education and a detailed summary of his professional work, and shall contain not less than five references of who three or more shall be Registered Foresters or graduates of a curriculum in Forestry of four years or more in a school or college approved by the Board or accredited by the Society of American Foresters, having personal or professional knowledge of his Forestry experience. Any proposed subsequent statement, correction, or addition to the application shall be given under oath in writing and shall be made a part of the original application. The registration fee for a license shall be twenty dollars (\$20.00), which shall accompany the application. Should the Board deny the issuance of a license to any applicant, the fee deposited shall be retained by the Board as an application fee.

"Section 16. EXPIRATION AND RENEWALS. Licenses shall expire on the thirteenth day of September next following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify, at his last registered address, every person registered under this Act of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said licenses. The annual renewal fee for licenses shall be fifteen dollars (\$15.00). Renewal of licenses for the following year may be effected at any time during the month of September of the year in which such license has been issued or renewed by the payment of the renewal fee so fixed by this Act. Such licenses may also be renewed during the ensuing three (3) months by the payment of the regular renewal fee. The Board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 757

H. 340—Hill, Greer

AN ACT

To amend further Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) which relates to social security for certain officers and employees of the State and local governments of Alabama, so as to authorize the State Agency for Social Security to make further withdrawals for administration purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 48, H. 34, 5th Special Session 1950 (Acts 1950-1951, Vol. 1, p. 102) is amended further to read as follows:

"Section 6. 1. Contribution Fund. (a) There is hereby established a special fund to be known as the contribution fund. Such fund shall consist of and there shall be deposited in such fund:

"(1) All contributions, interest, and penalties collected under Sections 4 and 5; (2) all moneys appropriated thereto under this act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund; and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this act, the state agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this act.

"(b) The contribution fund shall be established and held separate and apart from any other funds or moneys of the state and shall be used and administered exclusively for the purpose of this act. Withdrawals from such fund shall be made for and solely for (A) payment of amounts required to be paid to the federal agency pursuant to an agreement entered into under Section 3; (B) payment of refunds provided for in Section 4(c) of this act; (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality; and (D) to transfer such funds, not otherwise required in (A), (B) and (C) of this paragraph, into Fund 752, Social Security Special Fund, for administration of the agency for social security. Such sum is hereby appropriated, for this purpose, upon approval, by the state social security advisory board.

“(c) From the contribution fund the custodian of the fund shall pay to the federal agency such amounts and at such time or times as may be directed by the state agency in accordance with any agreement entered into under Section 3 and applicable federal law.

“(d) The treasurer of the state shall be ex officio treasurer and custodian of the contribution fund and shall administer such fund in accordance with the provisions of this act and the directions of the state and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the state agency may prescribe pursuant thereto.

“(e) (1) There is appropriated annually to the contribution fund in addition to the contributions collected and paid into the contribution fund under Sections 4 and 5, to be available for the purposes of Section 6(b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the federal agency which the state is obligated to make pursuant to an agreement entered into under Section 3; provided that the sums necessary to match social security contributions by employees covered under the teachers' retirement system are hereby appropriated annually from the Alabama special educational trust fund; provided further, that the sums necessary to match social security contributions by state employees other than those covered by the teachers' retirement system are hereby appropriated annually from the fund from which the salaries of such employees of each employer are paid. In the case of those departments supported wholly by transfers from other state funds, there is hereby appropriated from the supporting funds such additional amounts as may be necessary to pay the sums necessary to match social security contributions by employees of each department so supported in the same proportion as the other state funds contribute to the support and maintenance of such department.

“(f) Where social security contributions are made from salaries paid from federal funds the employer shall pay from such federal funds, to the State Agency for Social Security, the amount calculated as a percentage of the salaries of those teachers to be contributed by the state as employer in accordance with Sections 4 and 5. Such amounts shall be paid by separate check payable to the State Agency for Social Security representing the employer tax at the same time as employee social security contributions are paid to the state agency. Provided that the provisions of subsection (1) (f) shall not apply to funds received under the provisions of the Hatch Act of 1887, as amended in 1955, and the McIntyre-Stennis Act (Co-operative Forestry Research Act of 1962) of the Congress of

the United States, for the support of agriculturally related research.

“(2) The State Agency shall submit to each regular session of the State Legislature, at least 90 days in advance of the beginning of such session, an estimate of the amounts appropriated to the contribution fund by paragraph (1) of this subsection for the next appropriation period.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 758

H. 401—Merrill

AN ACT

To authorize and direct the Alabama Board of Nursing to promote continuing education for nurses, and to make an appropriation to the Alabama Board of Nursing to fund the development and production of continuing nursing education programs, seminars and workshops for nurses.

Be It Enacted by the Legislature of Alabama:

Section 1. To meet the health care needs of the citizens of Alabama and to cope with the rapidly changing methods of health care delivery, the Alabama Board of Nursing is authorized and directed to provide quality continuing education programs, seminars and workshops to acquaint and educate nurses in the most current and modern nursing procedures. These continuing education programs in nursing shall be designed to insure that nurses will be educated in the latest technics of health care delivery.

Section 2. The Alabama Board of Nursing is authorized and directed to develop continuing education programs designed to meet the criteria outlined in Section 1. The Alabama Board of Nursing is authorized to make grants, contracts, appropriations and to otherwise arrange with qualified individuals, institutions or agencies to develop and implement comprehensive nursing education programs, seminars and workshops that will insure the promotion, dissemination and availability of modern nursing and health care technics to the citizens of Alabama.

Section 3. The Board of Nursing is hereby authorized and directed to establish plans, programs and criteria sufficient to carry out continuing education programs for nurses outlined in Sections 1 and 2 of this Act.

Section 4. There is hereby appropriated from the funds of the Board of Nursing the sum of Fifty Thousand and No/100 Dollars (\$50,000.00) for the fiscal year 1977-78. Such funds are to be used solely for the development and production of programs, seminars and workshops authorized under the provisions of this Act. Any funds not expended for the fiscal year 1977-78, shall revert to the account of the Board of Nursing in the State Treasury. All expenses in developing and conducting the educational programs, seminars and workshops shall be paid from funds of the Board of Nursing and no expenses shall be borne by the State of Alabama from the General Fund of the State.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 759

H. 424—Holmes (D), Merrill, Lutz, Manley,
Shelton, Killian, Smith (C),
Coburn

AN ACT

To amend further Title 11, Section 98, Code of Alabama 1940, as amended by Section 16-154 of the Judicial Implementation Act, relating to juror's fees so as to provide that such fees shall be termed as "expense allowance" rather than "compensation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 98 of Title 11, Code of Alabama 1940, is hereby amended to read as follows:

"Section 98. Regular jurors, grand and petit, are entitled to ten dollars expense allowance for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of expense allowance to which he is entitled. The certificate shall be receiv-

able in payment of county taxes, and other county dues and payable out of the county treasury."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 760

H. 1345—Crowe

AN ACT

Relating to any judicial circuit composed of two counties, one county having a population of not less than 16,600 nor more than 16,950 inhabitants and one county having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census; creating the office of public defender and providing for the manner of appointment, the operation and financing of such office; providing such office for the representation and defense of persons accused of crime whom the courts declare indigent; establishing the Public Defender Commission; defining the authority, powers, duties and limitations of said commission and defender; providing for the vacancy of said office of defender; authorizing the taxing and collecting of certain additional court costs in certain courts within said counties for financing the operation of the office of Public Defender and representation of indigents, such revenues to be designated for the Public Defender's fund; continuing the opportunity for lawyers to be appointed to represent such indigents; requiring that any excess money in the Public Defender Fund be returned on a pro rata basis to the counties and municipalities which funded the said office and its operation.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all judicial circuits composed of two counties, one county having a population of not less than 16,600 nor more than 16,950 inhabitants and one county having a population of not less than 22,575 nor more than 23,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. There is hereby established a Public Defender Commission consisting of five (5) members, each of whom shall be selected as set out below and shall serve for a term of one (1) year:

(a) Two (2) members from each county composing said circuit, duly elected by the respective county bar associations, selected at large by the association.

(b) During the term of his office as such, the presiding

judge of the judicial circuit in such county under the provisions of this act.

(c) Two (2) members of the respective county bar associations, selected for a term of one (1) year, to be selected at the time of and in the manner of selecting officers of the county bar association; provided, however, that the initial members of the commission selected under the provisions of this section shall be selected by said bar associations as soon as is feasible after this act becomes effective, and the term of office of these members so selected shall extend to December 31, 1978, and for one (1) year thereafter.

(d) In the event of any vacancy in the Public Defender Commission, the members of the said Public Defender Commission shall, by a simple majority vote, select a replacement to serve the unexpired term.

(e) Members of the Public Defender Commission shall serve without compensation, but all reasonable and necessary expenses incurred by the Commission in the performance of its duties shall be paid or reimbursed on warrants drawn on the circuit public defender fund as provided in Section 4 of this act.

(f) The chairman and the secretary, respectively, of the Public Defender Commission shall be elected from among the membership of the Commission. The Commission shall have the power and authority to select the Public Defender; and within the limits of this act:

(i) to fix his compensation, not to exceed \$16,000 per annum;

(ii) to establish an annual budget for expenditures of the Public Defenders Office; and

(iii) to make and establish rules and regulations for the conduct and operation of the Commission and of the Public Defender Office.

Section 3. (a) The commission by vote of a simple majority of its members shall elect the Public Defender of said circuit immediately after the effective date of this act. Such appointees shall serve until January 1, 1982. Successive selection of said Public Defender shall be made on the first Tuesday after the first Monday in November 1981, and every four (4) years thereafter to serve for a four-year term ending on the last day of the calendar year of the fourth year of said term. Said appointee may be removed by a majority vote of the five man commission.

(b) The Public Defender shall upon entering his duties take the oath of office as set forth in Section 279 of the Constitution of Alabama, 1901. He shall serve full time and his duties shall be limited to representation of indigent defendants who are accused of criminal offenses where representation by law is required after a finding of indigency by the court. After such finding of indigency, in the event of appointment by the court, the Public Defender shall thereafter provide representation for such defendants in all matters pertaining to charges against defendants, including post conviction proceedings. The Public Defender may be appointed by any state, county, or municipal judge of any court in said respective county where appointment of legal counsel shall be required by law.

(c) The Public Defender may resign or be removed from office by a vote of three (3) members of the Commission on sixty (60) days' written notice. Cause for such removal from office shall be willful neglect of duty, corruption in office, incompetency or intemperance in the use of intoxicating liquors or narcotics to such extent, in view of the dignity of the office and importance of its duties, the Public Defender is incapable of the discharging of said duties, or any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith. The decision of the commission to remove the Public Defender shall be final and there shall be no right of appeal therefrom. Any vacancies in the office of the Public Defender shall be filled by the Public Defender Commission.

Section 4. (a) There is hereby established in the circuits within the purview of this act, a Public Defender Fund. Upon the effective date of this Act, the governing body of each county composing said circuit shall appropriate to the Public Defender Fund from the general funds of the county, such sums as are necessary for the payment of salaries and operating expenses of the Public Defender Office as provided herein. A similar appropriation shall be made each year to supplement other sums paid into the Public Defender Fund, and such appropriation shall be in accordance with the budgeting procedures as provided in this act.

(b) If any funds from any source be made available or offered to the Public Defender or his assistants for the defense of any person for whom he has been appointed counsel, the same shall be reported promptly to the court in which the case is pending; the Public Defender shall request the court to make further determination as to the effect of such funds on the determination of indigency of the said defendant. In the event that the court shall find: (a) That the defendant is not an indigent, Section 6 below shall apply or (b) that the

defendant continues to be an indigent but that funds available should be accepted, such funds shall be paid directly to the respective counties for deposit in the Public Defender Fund.

(c) All funds received by or payable to the Public Defender or any Assistant Public Defender under the provisions of Act No. 526, S. 362 of the 1963 Regular Session, as amended or supplemented, or pursuant to any other act or law now existing or hereafter enacted shall be paid to said circuit Public Defender Fund.

(d) In the event that any funds are received by the Public Defender, his assistants or any other personnel in the Public Defender Office by bequests, contributions or donations, all such funds shall be paid to said Public Defender Fund.

(e) Except as hereinabove provided, neither the Public Defender, nor any person employed by him in any capacity, including his assistants, shall accept any money, funds, gifts or anything of value from any person whomsoever for any services rendered or to be rendered, pursuant to such employment in and by any Public Defender Office.

Section 5. The provisions of this act shall not be construed as preventing the appointment of any licensed attorney who requests such appointment in indigent cases, and a roster of such attorneys shall be kept by the circuit court clerk which shall be available for use by the judges of such court. Each attorney appointed in such cases shall be entitled to receive for his services the fee provided in said Act No. 526, S. 362 of the 1963 Regular Session, as amended, or supplemented, or pursuant to any other act or law now existing, or hereafter enacted.

Section 6. In the event that, after the Public Defender has been appointed to represent a person accused of crime, it is determined by the court, in which the case is then pending, that the defendant is not then an indigent, or in the event the defendant employs another attorney to defend him, the court shall revoke the appointment of the Public Defender.

(a) After being appointed to represent a person found to be indigent, the Public Defender is hereby authorized and directed to continue his investigation of indigency of said defendant and his access to other funds and shall render a written report to the court after such appointment if any substantial appreciation in defendant's financial status occurs or upon completion of all facets of the case to which the Public Defender has been appointed.

(b) Neither the Public Defender, nor any person in the employ of the Public Defender Office, including his assistants,

shall suggest or recommend an attorney-at-law, by name or otherwise, to any person for any purpose at any time.

Section 7. The Public Defender for said circuit shall be paid at an annual rate not to exceed Sixteen Thousand Dollars (\$16,000.00), including both state and county compensation and allowances. Said compensation shall be paid in equal monthly installments from the Public Defender Fund of said circuit.

Section 8. Within the limits of this act and subject to the approval of the Public Defender Commission the Public Defender may appoint personnel as stated below and fix their compensation. Each shall serve at the pleasure of the Public Defender and be compensated as follows:

(a) Assistant Public Defenders shall serve full time and shall be paid at an annual rate not exceeding Twelve Thousand Five Hundred Dollars (\$12,500.00) payable in equal monthly installments by said circuit, from the Public Defender Fund. Provided, however, that no person shall be appointed to the position of an assistant public defender until the need for the same shall be determined by the Commission and authorized by the Commission upon funds being available.

(b) Such secretarial, stenographic and clerical assistants as deemed necessary, each to be compensated at a rate not exceeding the sum of Six Thousand Dollars (\$6,000.00) annually and shall be paid in equal monthly installments by said circuit from the Public Defender Fund. Provided, however, that no person shall be appointed in said positions until the need for the same shall be determined by the Commission and authorized by the Commission upon funds being available.

Section 9. The expenses of operating the office of the Public Defender, including space rental, furniture purchase or rental, equipment, supplies, typewriters, telephone, library, and other items that are reasonably necessary for the operation and maintenance of such an office are hereby authorized and may be budgeted and approved by the Public Defender Commission.

Section 10. In extraordinary cases, as determined by the Public Defender Commission, funds for expert witnesses, legal exhibits, photographs, drawings and documents in connection with preparation and trial of criminal cases in which the Public Defender has been appointed may be authorized by the Commission. When any such funds for said purposes are deemed necessary and authorized, the same may be expended by the Public Defender, provided that he shall submit a written report and accounting of all such expenditures, supported by appropriate vouchers, not less frequently than semi-annually to the said Commission. The Public Defender shall draw warrants on

the said Public Defender Fund for any expenditures provided in this act.

Section 11. In order to provide a special fund for the purposes set forth in this act, there shall be taxed as costs the sum of Three Dollars and Seventy-five Cents (\$3.75) in each case or action in the circuit court including but not being limited to all quasi-civil actions at law, suits in equity, criminal cases, quasi-criminal cases, proceedings on a forfeited bail bond or proceedings on a forfeited bond hereafter given in connection with an appeal from a judgment or conviction of any county, district or municipal court to the circuit court hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of said circuit coming under the provisions of this act, which costs shall be collected as other costs in such cases are collected by the clerk of said court or the register in chancery thereof, as the case may be, and when collected shall be paid into said Public Defender Fund.

Section 12. There shall also be taxed as costs the sum of One Dollar and Twenty-five Cents (\$1.25) in each civil case and criminal case hereafter filed in the county court or district court of said respective circuits which costs shall be collected as other costs in such cases are collected and when collected by the clerk of said court shall be paid to said Public Defender Fund.

Section 13. There shall also be taxed as costs the sum of One Dollar and Twenty-five Cents (\$1.25) in each case hereafter filed in the juvenile and domestic relations court of said circuits, which costs shall be collected as other costs in such cases are collected and when collected by the clerk of said court shall be paid into said Public Defender Fund.

Section 14. There shall also be taxed as costs the sum of One Dollar and Twenty-five Cents (\$1.25) in each criminal case and quasi-criminal case hereafter filed in all municipal courts in said circuits coming under the provisions of this act, with the exception of cases involving parking violations, which costs shall be collected as other costs in such cases are collected and when collected by the clerk of said court shall be paid to the said Public Defender Fund.

Section 15. All sums herein provided to be paid to the Public Defender Fund shall be kept by the Public Defender Commission in a separate account, and shall be expended for the purposes set forth in this act. The Public Defender shall draw warrants on the Public Defender Fund for expenditures by indicating on the warrants the purpose for which the warrants are drawn. Said fund shall be used to pay for the proper and necessary operation of said Public Defender's Office as ap-

proved by said Public Defender Commission within the limits of this act.

Section 16. At the end of each four (4) years after this act is approved, the Public Defender Commission shall ascertain the total of the funds on hand in the Public Defender Fund as maintained by said respective counties composing the circuit and if in the sound discretion of the Public Defender Commission said funds constitute a surplus over and above the amount necessary for present and future operations of the Public Defender Office, the Commission shall determine what amount is surplusage and may cause the Public Defender to refund to all or any of the contributing sources of the Public Defender Fund such amounts to all or any of said contributing sources which in the sound discretion of the Commission it deems fair and equitable, on a pro rata basis.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are hereby repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 761

H. 1381—McMillan, Kinsey

AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; requiring the installation in each county of an improved system of indexing and recording documents affecting the title to property and recorded in the office of the judge of probate of such county, so as to provide for the microphotographing of instruments recorded as a part of said improved system; and so as to provide further details with respect to the said improved system, its installation and maintenance, and the duties of the judge of probate with respect thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

"The county" means any county subject to the provisions of this act.

"The probate office" means the office of the judge of probate of the county.

"Code" means the Code of Alabama of 1940, Recompiled 1958.

"Effective installation date" means the date designated by the judge of probate of the county as the date when a substantial portion of the improved indexing and recording system herein provided for shall have been first placed in effective and practical operation.

"Miscellaneous instrument" means any instrument or document affecting the title to real property that may have been recorded in the probate office, prior to the effective installation date, in a volume of miscellaneous instruments bearing the designation "Miscellaneous Book," or some similar designation, as distinguished from a Deed Book or Mortgage Book: but shall not include any instrument filed for record after the effective installation date.

"Real property instrument" means and includes any instrument or document affecting the title to real property that may be now or hereafter filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, but without limitation to Articles 10 and 11 of Chapter 3, of Title 47 of the Code and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims of exemptions, certificates of judgment, and plats or maps showing subdivisions of real estate; but shall not include any miscellaneous instrument.

"General property instrument" means a real property instrument that affects the title to personal property as well as real property.

"Personal property instrument" means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter filed for record in the probate office, in accordance with the applicable requirements of the laws of this state, including particularly said Articles 10 and 11.

"Improved indexing and recording system" means a system of indexing and recording real property instruments, miscellaneous instruments, and personal property instruments in the probate office and, in the discretion of the governing body of the county, of recording other instruments and documents

in the probate office, which system, when completed, will consist of the following: (a) The following microphotographed copies; (i) microphotographed copies of all real property instruments, (or of the record of such instruments) or any instrument required by law to be recorded at any time filed for record in the probate office, such copies to be arranged chronologically, according to the date of the filing for record of the original instruments, in such a manner that said copies will be readily available for inspection and which will be most suitable to carry out the intent and purpose of this Act, and which shall be separated into different classifications indicating generally the nature of the instruments recorded in each container of such copies to be designated by the judge of probate of the county. And may include such classifications as "Real Property," "Miscellaneous," "Mechanic's and Materialmen's Liens," "Judgments" and the like; microphotographed copies of any or all of the following records and instruments (or the record thereof) at any time filed for record, recorded or made an official record in the probate office; certificates of incorporation, amendment and dissolution pertaining to corporations, and any other documents properly recorded in the Incorporation Records of the county, Wills, and Records of Adoptions, Legitimations, Marriage Licenses, Administrator's Accounts, and Tax Sales; (b) equipment necessary and suitable to prepare and contain the microphotographed records hereinabove referred to, and to view in enlarged size the said microphotographed records.

"Initial installation costs" means the costs of the initial installation of an improved indexing and recording system.

Section 2. Installation and Maintenance of system. The county commission or like governing body of the county is hereby authorized, directed and required to provide for the installation, and thereafter for the maintenance, of an improved indexing and recording system in the probate office of the county. The initial installation of the improved indexing and recording system shall include the following: (a) The acquisition of the equipment provided for in clause (b) of the definition hereinabove set forth of an improved indexing and recording system; (c) the microphotographing and filing in suitable containers or other receptacles of the public records of all real property instruments, personal property instruments, and miscellaneous instruments that are of record in the probate office of the county on the effective installation date and of any other than existing records in the probate office the inclusion of which in the improved recording and indexing system provided that such additional microphotographing and filing is approved by resolution of the governing body of the county; (d) the establishment of procedures for the continued micro-

photographing and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved indexing and recording system. Following its installation in the county, the improved indexing and recording system shall be thereafter maintained in the county and all real property instruments, general property instruments, and personal property instruments and other documents and records herein provided to constitute a part of said system that may be thereafter filed for record or recorded in the probate office of the county shall be photographed, recorded, and indexed in accordance with the aforesaid improved indexing and recording system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with the provisions of existing law, including particularly Section 98 of Title 47 of the Code.

Section 3. Official and Permanent Records, What Constitutes. On and after the effective installation date, the microphotographic copies of all instruments and records provided herein to be microphotographed shall constitute the official record of such instruments for the purposes of Articles 10 and 11 of Chapter 3 of the Code and all other laws applicable to the recording of any of such instruments and for all other purposes; and the record of real property instruments, personal property instruments, miscellaneous instruments, and other documents and records that may be microphotographed pursuant to the provisions of this act, made in books prior to the effective installation date shall not thereafter constitute official records.

Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be microphotographed shall no longer be recorded in books.

Section 4. Applicability of Existing Laws. All provisions of the laws of Alabama with respect to the recording and indexing of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved indexing and recording system installed hereunder (including, but without limitation to, the provisions of Articles 10 and 11 of Chapter 3 of Title 47 of the Code, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims of exemptions, certificates of judgment, or plats or maps showing subdivisions of real estate) that are not inconsistent with the provisions of this act shall continue in effect with respect to an improved indexing and

recording system installed hereunder, the recording and indexing of instruments therein, and the duties of the judge of probate with respect thereto.

Section 5. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. Repeal of Conflicting Laws. All laws or parts of laws which conflict with this act are, to the extent of such conflict repealed.

Section 7. Effective Date. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 762

H. 42—Dial

AN ACT

To authorize the incorporation with respect to the several counties in this state, of nonprofit public corporations for the purpose of acquiring, enlarging, improving, replacing, expanding, owning, leasing and disposing of properties for the purpose of promoting industry, developing trade, and furthering the use of agricultural, natural and human resources; to provide for the issuance by any such corporation of interest bearing revenue bonds and other interest bearing revenue securities payable solely out of the revenues and receipts from any such properties; to authorize the refunding of any such bonds or securities; to exempt from all taxation in this state each such corporation, its property, corporate activities, income, revenues, securities, the income from its bonds or securities, and conveyances, leases and mortgages to which such corporation is a party; to exempt such corporations from the laws of the state governing usury or prescribing interest rates; to exempt such corporations and all contracts made by it from the laws which provide for competitive bids in connection with certain contracts; to authorize certain conveyances to any such corporation by certain other public corporations and the assumption of the indebtedness thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature by the passage of this act to authorize the incorporation in the several counties in this state of public corporations to acquire, enlarge, improve, replace, own, lease, and dispose of properties to the end that such corporations may be able to promote industry, develop trade and further the use of the

agricultural products and natural and human resources of this state and the development and preservation of the said resources. It is the further intent of the legislature by the passage of this act to vest such public corporations with all powers that may be necessary to enable them to accomplish such purposes. It is not intended hereby that any such corporation shall itself be authorized to operate any manufacturing, industrial, commercial or research enterprise. This act shall be liberally construed in conformity with the said intention.

Section 2. Whenever used in this act unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations:

“Corporation” means any corporation organized pursuant to the provisions of this act.

“County” means any county in this state with respect to which a corporation may be organized.

“Governing body” means the commission, court of county commissions, board of revenue or other governing body of the county.

“Mortgage” means a mortgage or a mortgage and deed of trust or a trust indenture.

“Project” means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more thereof: (a) any industry for the manufacturing, processing or assembling of any agricultural, manufactured or mineral products; (b) any commercial enterprise in storing, warehousing, distributing or selling any product of agriculture, mining or industry; and (c) any enterprise for the purpose of research but does not include facilities designed for the sale or distribution to the public of electricity, gas, water, or telephones or other services commonly classified as public utilities. A project may consist of or include any land, building, structure, improvement, machinery, equipment, facility or real or personal property or any combination thereof which the board of directors of the corporation may deem necessary or appropriate for use by any industry or enterprise of the character described in the first sentence of this paragraph, including, without limiting the generality of the foregoing: (i) office facilities designed for use by any such industry or enterprise in the management and supervision of its manufacturing, processing, assembling, storing, warehousing, distributing, selling or research operations,

wherever located, and (ii) facilities for, or useful in, the control, reduction, abatement, or prevention of pollution of air or water, or both.

Section 3. Whenever any number of natural persons, not less than three, shall file with the governing body of any county of this state an application in writing for authority to incorporate in such county a public corporation under the provisions of this act, and if it shall be made to appear to such governing body that each of said persons is a duly qualified elector of and owner of property in said county and if the governing body of said county shall adopt a resolution which shall be duly entered upon the minutes of such governing body wherein it shall be found and determined that it is wise, expedient, necessary or advisable that such a corporation be formed, and that the person filing said application shall be authorized to proceed to form such corporation, then said persons shall proceed to organize such corporation by executing, acknowledging and filing a certificate of incorporation as herein provided. No corporation shall be formed hereunder unless the application provided for herein shall be made and unless the resolution provided for herein shall be adopted. The granting of authority for the incorporation of one public corporation under this act shall not preclude the granting of authority by the governing body of the same county for the incorporation of other public corporations hereunder; provided that such other public corporations shall be required to adopt a name or designation sufficient to distinguish them from any public corporation theretofore incorporated by such county under this act.

Section 4. The certificate of incorporation of any corporation organized under this act shall set forth (a) the names and residences of the applicants, together with a recital that each of them is an elector of and taxpayer in the county; (b) the name of the corporation, which shall be The Industrial Development Board of _____ County [the blank space to be filled in with the name of the county], if such name shall be available for use by the corporation and if not available, then the incorporators shall designate some other similar name that is available; (c) a recital that permission to organize the corporation has been granted by a resolution duly adopted by the governing body of the county and the date of the adoption of such resolution; (d) the location of the principal office of the corporation [which shall be in the county]; (e) the purposes for which the corporation is proposed to be organized; (f) the number of directors of the corporation (which shall be not less than three); (g) the period, if any, for the duration of the corporation [if the duration is perpetual, the fact should be stated]; and (h) any other matter which the applicants

may choose to insert therein which shall not be inconsistent with this act or with the laws of the State of Alabama. The certificate of incorporation shall be subscribed and acknowledged by each of the applicants before an officer authorized by the laws of Alabama to take acknowledgments to deeds.

Section 5. When executed and acknowledged in conformity with the preceding section, the certificate of incorporation shall be filed with the judge of probate of the county. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of the preceding section have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office. The recording of the certificate shall constitute the findings and approval required by the preceding sentence. When such certificate has been so made and filed, the applicants shall constitute a public corporation under the name set out in the certificate of incorporation.

Section 6. If any corporation formed under this act has accidentally or inadvertently failed to comply with the requirements hereof in its organization, such omission or defect may be corrected by filing an amendment as provided in this section. The certificate of incorporation of any corporation formed under this act may also at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the certificate of incorporation in the first instance. Any such amendment shall be effected in the following manner: The board of directors of the corporations shall adopt a resolution proposing such amendment to the certificate of incorporation. The chairman of the board of directors of the corporation shall file with the governing body of the county an application in writing seeking permission to amend the certificate of incorporation specifying in such application the amendment proposed to be made, which amendment shall be that set forth in the resolution adopted by the board of directors of the corporation. Such governing body shall consider such application and, if it shall by appropriate resolution duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made, and shall approve the form of the proposed amendment and shall authorize the amendment to be made, then the chairman of the board of directors of the corporation making such application shall execute an instrument embodying the amendment specified in

such application, and shall file the same with the judge of probate of the county. The proposed amendment shall be subscribed and acknowledged by the chairman of the board of directors of the corporation and its secretary before an officer authorized by the laws of Alabama to take acknowledgments to deeds. Such judge of probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book in his office. The recording of the amendment shall constitute the findings and approval required by the preceding sentence. When such amendment has been so made and filed, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment.

Section 7. The corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, not less than three, all of whom shall be duly qualified electors of and taxpayers in the county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. No director shall be an officer or employee of the county. The directors shall be elected by the governing body of the county, and they shall be so elected that they shall hold office for staggered terms. At the time of the election of the first board of directors, the governing body of the county shall divide the directors into three groups containing as near equal whole numbers as may be possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, the first term of the directors included in the third group shall be six years, and thereafter the terms of all directors shall be six years; provided that, if at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until his successor shall be so elected. Any meeting held by the board of directors for any purpose whatsoever shall be open to the public.

Section 8. The corporation shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated: (1) to have succession by its corporate name for the period specified in the certificate of incorporation unless sooner dissolved as hereinafter provided; (2) to sue and be sued and to prosecute and

defend in any court having jurisdiction of the subject matter and of the parties; (3) to have and to use a corporate seal and to alter the same at pleasure; (4) to acquire, whether by purchase, construction, exchange, gift, lease or otherwise, to improve, maintain, equip and furnish one or more projects, including all real and personal properties which the board of directors of the corporation may deem necessary in connection therewith and regardless of whether or not any such projects or any part thereof shall then be in existence; (5) to sell, exchange, donate and convey, to contract to sell, exchange and convey and to grant with or without additional consideration, options to acquire any or all of its properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the corporation was organized; (6) to lease to others for a period not to exceed forty years any or all of its projects or any part thereof, and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; (7) to grant to others privileges, licenses or permits for the use of land for the construction and operation of projects and to authorize such lessees or grantees to mortgage their interest, rights and properties to finance the construction, enlargement and improvement of such projects; (8) to issue its bonds for the purpose of carrying out any of its powers; (9) as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof; (10) to assume obligations secured by a lien on any project, or any part thereof that may be acquired, any obligation so assumed to be payable solely out of the revenues and receipts from any or all of its projects, or part thereof; (11) to appoint, employ, contract with, and provide for the compensation of such officers, employees and agents including but without limitation engineers, attorneys, architects, construction contractors, management consultants and fiscal advisers, as its business may require; (12) to provide for such insurance as the board of directors may deem advisable; (13) to cooperate with the United States of America, any agency or instrumentality thereof, the state, any municipality, county, public corporation or other public entity in the state, or any person, or any combination of any of the foregoing; and (14) to accept gifts, grants, bequests and devises. Any project or projects of the corporation may be located within or partially within and partially without the county, subject to the following conditions: (a) no part of a project shall be located more than three miles outside the boundaries of the

county; (b) in no event shall any project or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such project or part thereof in such municipality; and (c) no such project or part thereof shall be located in a county other than the county which authorized the formation of the corporation unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such project in such other county. The corporation shall not have the power to operate any project as a business other than as a lessor.

Section 9. All bonds issued by the corporation shall be payable solely out of the revenues and receipts derived from the leasing or sale by the corporation of its projects or of any thereof as may be designated in the proceedings of the board of directors under which the bonds shall be authorized to be issued. Such bonds may be executed and delivered by the corporation at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable at such time or times not exceeding forty years from the date thereof, may be payable at such place or places whether within or without the State of Alabama, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the corporation and in such manner and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board of directors whereunder the bonds shall be authorized to be issued. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the corporation are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of the bonds, but nothing herein contained shall be construed to confer on the corporation any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the corporation may be sold at public or private sale in such manner and from time to time as may be determined by the board of directors of the corporation to be most advantageous, and the corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Any bonds of the corporation at any time outstanding may at any time and from time to time be refunded by the corporation by

the issuance of its refunding bonds in such amount as the board of directors may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums, commissions and expenses necessary to be paid in connection with such refunding. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by the exchange of the refunding bonds for the bonds to be refunded thereby with the consent of the holders of the bonds so to be refunded, and regardless of whether or not the bonds to be refunded were issued in connection with the same projects or separate projects, and regardless of whether or not the bonds proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise. All such bonds and the interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

Section 10. The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by mortgage covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made. The resolution under which the bonds are authorized to be issued and any such mortgage may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of fees, rates, tolls and charges for the services, facilities and accommodations furnished by the corporation and of the rents for any portions thereof leased by the corporation to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and which are not in conflict with the provisions hereof. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage executed as security therefor, such payment or agreement may be enforced by mandamus, the appointment of a receiver, or by foreclosure of any such mortgage, or any one or more of said remedies.

Section 11. Upon the adoption by the board of directors of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a

week for two consecutive weeks, in a newspaper published in the county a notice in substantially the following form [the blanks being properly filled in] at the end of which shall be printed the name and title of either the chairman or secretary of the corporation: “ _____ a public corporation under the laws of the State of Alabama, on the _____ day of _____, authorized the issuance of \$ _____ principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, the pledge and mortgage to secure the same, any lease or sale of the project to be financed by said bonds, or the proceedings authorizing the same, must be commenced within twenty days after the first publication of this notice.”

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of such bonds, or the validity of the pledge and mortgage made therefor, or the lease or sale of the project to be financed by said bonds, must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds or the said pledge or mortgage or the lease or sale of the project to be financed by said bonds shall be asserted, nor shall the validity of the said proceedings or of the said bonds, the said pledge or mortgage, or the lease or sale of the project to be financed by said bonds be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 12. The corporation may, in addition to the other powers granted in this act, borrow money for temporary use for any of its corporate purposes and in evidence of such borrowing issue from time to time revenue bonds or notes maturing not later than three years from the date of issuance. Any such temporary borrowing may be made in anticipation of the sale and issuance of long term revenue bonds, and in such event the principal proceeds from the sale of such long term revenue bonds shall, to the extent necessary, be used for payment of the principal of and the interest on the temporary revenue bonds or notes issued in anticipation of the sale and issuance of such long term revenue bonds.

Section 13. The corporation, all properties at any time owned by it and income therefrom of the corporation, all bonds issued by the corporation and the income therefrom, conveyances by or to the corporation, and leases and mortgages by

or to the corporation, shall be exempt from all taxation in the State of Alabama. No license or excise tax may be imposed on any corporation in respect of the privilege of engaging in any of the activities authorized by this act.

Section 14. Each corporation organized under the provisions of this act is hereby exempted from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of chapter 6 of Title 9 of the Code of Alabama of 1940.

Section 15. The county shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporation, or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation or any of its agreements or obligations shall be construed to constitute an indebtedness of the county within the meaning of any constitutional or statutory provision whatsoever.

Section 16. The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the corporation shall determine that sufficient provision has been made for the full payment of expenses, bonds and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall, at the option of the board of directors, be used to pay the cost of extensions and improvements to any of its projects or paid to the county with respect to which the corporation was organized.

Section 17. Whenever the board or directors of the corporation shall by resolution determine that the purposes for which the corporation was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the corporation have been fully paid, the then members of the board of directors of the corporation shall thereupon execute and file for record in the office of the judge of probate of the county in which the corporation is organized, a certificate of dissolution reciting such facts and declaring the corporation to be dissolved. Such certificate of dissolution shall be executed under the corporate seal of the corporation. Upon the filing of such certificate of dissolution the corporation shall stand dissolved, the title to all funds and properties owned by it at the same time of such dissolution shall vest in the county, and possession of such funds and properties shall forthwith be delivered to such county.

Section 18. The certificate of incorporation of the corporation or any amendment thereof, any deeds or other documents whereby properties are conveyed over to the corporation, any mortgages executed by the corporation, any leases made by the corporation, and the certificate of dissolution of the corporation may all be filed for record in the office of the judge of probate of the county in which the corporation is organized without the payment of any tax or fees other than such fees as may be authorized by law for recording of such instruments.

Section 19. Each corporation organized under the provision of this act, and all contracts made by such corporations, shall be exempt from the provisions and requirements of Act No. 217 adopted at the 1967 special session of the legislature of Alabama now appearing in Code of Alabama, Recompiled 1958, Title 55, Sections 506, 507, 508 to 517, as amended, which provides for competitive bids in connection with certain contracts.

Section 20. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which the corporation might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers.

Section 21. Any public corporation organized pursuant to the provisions of any other law of this state may, either with or without the payment of pecuniary consideration, transfer, assign or convey all or any part of its assets, including, but without limitation, land, interest in land, improvements, buildings, structures, roads, utility facilities, cash, and any facilities which would be a part of a project, to any corporation organized pursuant to the provisions of this act, and any corporation so organized under the provisions of this act is authorized to assume any obligation or indebtedness of any such other public corporation making such a conveyance, transfer or assignment, provided such indebtedness is payable solely out of the revenues and income of a project or of the facilities and assets so transferred, assigned or conveyed.

Section 22. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself unconstitutional.

Section 23. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 763

H. 572—Waggoner

AN ACT

To make an appropriation from the State General Fund to the Alabama Travel Council for the remainder of the fiscal year ending September 30, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the State General Fund the amount of \$25,000.00 for transfer to the Alabama Travel Council.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 27th day of May, 1977.

JOHN W. PEMBERTON
Clerk of the House

Act No. 764

H. 650—Campbell, Pegues, Lockett, Cross,
McCulley, Martin, Roberts,
Shelton

AN ACT

To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses, exempting non-residents under the age of sixteen (16) from having to purchase hunting licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 751, Acts of Alabama, 1965 Regular Session, is hereby amended to read as follows:

“Section 1. Any non-resident of this state who is sixteen (16) years old or older must procure an “annual small game only” hunting license to hunt all legal game in this state, except deer and turkey, by filing an application with the Commissioner of Conservation and Natural Resources or any Judge of Probate or other person authorized to issue same, stating his age, race, place of residence and post office address, and after paying to

the person issuing said license a fee of Fifteen Dollars and Twenty-five Cents (\$15.25)."

Section 2. Section 2 of Act No. 751, Acts of Alabama, 1965 Regular Session, is hereby amended to read as follows:

"Section 2. Any non-resident of this state who is sixteen (16) years old or older must procure an "annual all game" hunting license to hunt all legal game in this state by filing his application with the Commissioner of Conservation and Natural Resources, or any Judge of Probate or other person authorized to issue same, stating his age, race, place of residence and post office address, and after paying to the person issuing said license a fee of Fifty Dollars and Twenty-five Cents (\$50.25)."

Section 3. Section 3 of Act No. 751, Acts of Alabama, 1965 Regular Session is hereby amended to read as follows:

"Section 3. Any non-resident of this state who is sixteen (16) years old or older must procure a "trip small game only" hunting license to hunt all legal game in this state except deer and turkey, in the same manner as provided for procuring the annual non-resident hunting licenses in Sections 1 and 2, by paying therefor the sum of Ten Dollars and Twenty-five Cents (\$10.25), which license will authorize the holder thereof to hunt in this state for a period of five (5) days from the day said license was issued.

Section 4. Section 4 of Act No. 751, Acts of Alabama, 1965 Regular Session, is hereby amended to read as follows:

"Section 4. Any non-resident of this state who is sixteen (16) years old or older must procure a "trip all game" hunting license to hunt all legal game in this state in the same manner as provided for procuring the annual non-resident hunting licenses in Sections 1 and 2, by paying therefor the sum of Twenty-five Dollars and Twenty-five Cents (\$25.25), which license will authorize the holder thereof to hunt in this state for a period of five (5) days from the day said license was issued."

Section 5. All laws and parts of laws in conflict herewith are expressly repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on October 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 765

H.J.R. 522—Holley

HOUSE JOINT RESOLUTION

CALLING FOR AN IMMEDIATE CESSATION OF USELESS MASS MAILINGS TO STATE LEGISLATORS BY ALL STATE AGENCIES INCLUDING COLLEGES, TRADE SCHOOLS AND UNIVERSITIES AND SETTING THE INTENT OF THIS RESOLUTION AND ASKING FOR EVALUATION AS TO LEGISLATIVE NEED OF PRINTED MATTER TO BE MAILED TO THE LEGISLATORS.

WHEREAS, the members of the Legislature of Alabama, almost on a daily basis are deluged with a preponderance of printed matter and mailings from state agencies, colleges, trade schools and universities; and whereas members of the House of Representatives are interested in the conservation and savings of expenditures utilized for the printing and the distribution of mailings; and

WHEREAS, not only are many of the materials and mailings inconsequential to the tasks the legislators must perform, but further, the time, energy, personnel and postage required by such indiscriminate mailings increase the operating expenses of the respective agencies, where in such mailings result in substantial and unnecessary costs to the taxpayers of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we direct all state agencies, colleges, trade schools and universities to refrain from mailing or otherwise distributing printed materials and other publications to members of the legislature unless the mailing or publication is related to the activities of the agency or college or trade school or university and it is deemed necessary or helpful for the legislature to know certain information or facts pertaining to these agencies, colleges, trade schools or universities in order to function knowledgeably and with the stipulation that all such printed matter over 25 pages in length shall be indexed.

BE IT FURTHER RESOLVED, That the Legislature of Alabama hereby expresses its intention to carefully scrutinize the budget requests of all state agencies, colleges, trade schools and universities in order to assure itself that funds not be appropriated for the printing and distribution of useless and extravagant amounts of materials.

BE IT FURTHER RESOLVED, that the House of Representatives hereby request each state agency, college, trade school or university to consider a cost reduction in the printing

of necessary material and establish a consistent and economical universal format and specifications for the printing of all necessary materials.

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send copies of this resolution to all state agencies, colleges, trade schools and universities that they may implement immediate steps to comply with this directive.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 766

H. 669—Dial Mitchem, Cates

AN ACT

To name the new National Guard Armory in Guntersville, Alabama, "The Robert M. Kelley, Jr. National Guard Armory."

Whereas, Sergeant Robert M. Kelley, Jr. has distinguished himself through more than thirty years of dedicated military service to his country; and

Whereas, he has served his state and the nation for over twenty years in the National Guard as Administrative Supply Technician for the Guntersville Armory; and

Whereas, he has spent many years as a member of the American Legion and is Past Commander of the Guntersville Post; and

Whereas, Robert Kelley is a prideful and ardent supporter of all facets of the National Guard, and was instrumental in securing the land for a new armory building; and

Whereas, Sergeant Kelley has contributed immeasurably to the establishment of the excellent relationship that exists between the National Guard and the City of Guntersville; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. That the new National Guard Armory in Guntersville, Alabama is hereby designated as "The Robert M. Kelley, Jr. National Guard Armory."

Section 2. The armory commission is directed to cause appropriate signs and markers to be erected and maintained in designating the said National Guard Armory as "The Robert M. Kelley, Jr. National Guard Armory."

Section 3. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 767

H. 295—Sonnier

AN ACT

Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional judgeship for the thirteenth judicial circuit, which shall be designated a judgeship number 9. The existing judgeships shall continue to be designated as judgeships number 1 through 8. The additional judge shall be appointed for the circuit by the Governor, within five (5) days after the effective date of this act, who shall hold office until his successor is elected as provided in Article VI, Section 153 of the Constitution of Alabama. The judge for the additional judgeship shall be elected thereafter as other circuit judges in this State.

Section 2. The compensation and allowances of such judge shall be paid in the same amount and under the same terms and manner as that of the other judges of the thirteenth judicial circuit, and said judge shall be assigned to assist the judge of the Domestic Relations Division of the Circuit Court, and such other duties as the presiding judge of said circuit shall designate.

Section 3. All salaries payable under this act which may be paid by the state under its general law shall be paid by the state. All salaries which may not be paid by the state under its general laws, shall be paid by the counties composing said thirteenth judicial circuit.

Section 4. This Act shall be liberally construed in order to accomplish the beneficial purposes herein sought. The provisions of this Act are severable. Should any section or part of this Act be declared invalid or unconstitutional by any court, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 768

H.J.R. 497—Pegues, Falkenburg, Cooper

HOUSE JOINT RESOLUTION

CONTINUING THE COMMITTEE CREATED BY ACT NO. 755, HJR 326, OF THE 1976 LEGISLATURE AND POSTPONING THE DAY FOR FILING ITS FINAL REPORT AND EXTENDING THE EXISTENCE OF SAID COMMITTEE.

WHEREAS, Act No. 755, HJR 326, page 1039, of the Regular Session of the 1976 Legislature created a select joint committee to study the rising cost to the state of the Medicare and Medicaid programs; and

WHEREAS, said resolution directed that the committee report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1977 Regular Session, whereupon the committee should be dissolved; and

WHEREAS, it is deemed wise and expedient that this committee have more time in which to report its findings, and that the life of this committee be extended; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Select Joint Committee to Study the Rising Cost to the State of the Medicare and Medicaid Programs, created by Act No. 755, HJR 326, 1976 Regular Session, is hereby continued and shall continue to have all the powers, rights and duties that such committee had pursuant to said act which created this committee. The committee shall report its findings not later than the tenth legislative day of the 1978 Regular Session whereupon the life of this committee shall expire.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The committee shall be limited to ten meeting days from the date of this resolution to the date of the committee's dissolution.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 769

S. 45—Bank

AN ACT

Providing further for the registration of voters, providing for additional times and places for the meeting of the board of registrars and amending existing state laws so as to be consistent therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars in each county shall visit each four year college, or university, whether public or private, having an enrollment of 500 or more, which is located therein at least once between March 1 and April 30 of each year for the purpose of registering voters and shall remain there for one full working day, weekends and holidays excepted. They shall give at least twelve days notice of the time and place where they will attend to register applicants for registration, by bills posted at three or more public places and by advertisement once a week for three consecutive weeks in a campus newspaper, if there be one published on the campus. Each college, university or institution of higher learning affected by the provisions of this act shall provide space and accommodations for said board of registrars on their campus.

Section 2. Each member of the board of registrars shall be entitled to receive their usual salary and per diem for attending the meetings of the board of registrars provided for herein.

Section 3. The provisions of this act shall not be construed to repeal or supersede any provisions of the general or any local law relative to meetings of registrars.

Section 4. Section 28 of Title 17, Code of Alabama 1940 is hereby amended to read as follows:

“Section 28. Places of Registration. No person shall be registered except at the court house in the precinct or ward where he or she resides provided however that students of four year colleges or universities, may register on the campus of the institution they are attending regardless of the precinct or ward wherein he or she may reside.

Section 5. This Act shall not apply to Etowah County.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 770

S. 135—Owen

AN ACT

To appropriate \$35,000.00 from the Alabama Board of Nursing Trust Fund in the State Treasury to the Alabama Board of Nursing for the current fiscal year ending September 30, 1977, for purchasing replacement office equipment and furniture and additional equipment and furnishings necessitated by the move of and expansion of the Board office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Board of Nursing Trust Fund in the State Treasury for the fiscal year ending September 30, 1977, the sum of \$35,000.00 for the purpose of paying for replacement office equipment and furniture and purchase of additional office equipment and furnishings necessitated by the move of and expansion of the Alabama Board of Nursing office from the capitol complex into rental office space where such equipment and furnishings are not provided for and are not available.

The appropriation herein made shall be in addition to any and all other funds heretofore appropriated to the Alabama Board of Nursing.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 771

S. 474—Clemon

AN ACT

To further amend Title 52, Section 151 of the Code of Alabama of 1940, as amended, which section relates to city boards of education, so as to increase the compensation of certain members in cities having a population of more than 300,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 151 of Title 52 of the Code of Alabama of 1940, as amended, is hereby further amended, so as to read as follows:

"Section 151. How board constituted.—The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of such city, and who shall not be members of the city council or commission. The members of such city board of education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this board under the provisions of this section who is in any way subject to the authority of the board; provided, that in cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a classroom teacher. Each member of such city board in cities having a population of 300,000 or more according to the last or any subsequent federal census shall receive fifty dollars for each meeting of the board whether special, regular or executive session, attended by him, provided no member shall receive more than one hundred fifty dollars during any one month. This compensation shall be paid from the city school funds in the manner provided for paying out of such city school funds.

However, where any city or town which has heretofore had the general administration and supervision of the public schools and educational interests of such city or town vested in a city board of education for a period of twenty years or more prior to the effective date hereof, may, if it elects, and except as may be provided by law, continue to have general administration and supervision of the public schools and educational interest under a local board of education regardless of any past or future federal census."

Section 2. This act shall become effective on the first day of the month immediately following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 772

S. 515—Baker

AN ACT

Relating to the 9th judicial circuit; to provide a salary increase for

the secretaries of the circuit judges, and for the register of the most populous county of the circuit; and to make the provisions of this act retroactive to January 1, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. Each secretary to a circuit judge of the 9th Judicial Circuit shall receive a salary increase in the amount of \$100 per month payable out of the county treasury of each county comprising the circuit in the manner currently provided by law; said increase in salary to be paid by the respective counties as provided until October 1, 1977.

Section 2. The register of the most populous county of the Circuit shall also be entitled to a salary increase of such amount as will bring her total annual salary up to the sum of \$10,500, said increase to be payable out of the county treasury of said county.

Section 3. The provisions of this act shall be retroactive to January 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 773

S. 823—Wilson

AN ACT

To amend Section 1 of Act No. 741, H. 1860 of the Regular Session of 1973 (Acts 1973, p. 1100) relating to expense allowances of the chairman and members of the governing bodies of counties having a population of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, so as to raise such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 741, H. 1860 of the Regular Session of 1973 (Acts 1973, p. 1100) relating to expense allowances of the chairman and members of the governing bodies of counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census, is hereby amended to read as follows:

“Section 1. The chairman and members of governing bodies of counties having populations of not less than 55,500 nor more than 56,500 according to the 1970 or any subsequent federal decennial census shall be entitled to and shall receive an additional annual expense allowance of \$4,000, payable in equal monthly installments from the general funds of such counties to

which this act applies; and said allowance shall be in addition to any and all such allowances nor or hereafter provided by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 774

S. 638—Wilson

AN ACT

To provide for a supplemental salary for the circuit judges and an expense allowance for the District Attorney of the Fourteenth Judicial Circuit; to be paid by the county comprising such circuit, to fix the amount and method of payment of such salary and expense allowance; and to provide that no retirement contributions shall be deducted from the District Attorney's expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salary paid to each of the circuit judges of the Fourteenth Judicial Circuit by the state there shall also be paid to each of said judges a supplemental salary in a sum equal to one-third ($1/3$) of the salary paid each of said judges by the State of Alabama. Such supplemental salary shall be paid out of the general fund of the county in equal monthly installments at the same time and in the same manner that the salaries of other county employees are paid. The supplemental salary herein provided for shall be in lieu of any other supplemental salary or expense allowance heretofore provided for by law to be paid by the county comprising such circuit.

Section 2. In addition to the salary paid to the District Attorney of the Fourteenth Judicial Circuit by the state there shall also be paid to the said district attorney an expense allowance in a sum equal to one-fourth ($1/4$) of the salary paid to said District Attorney by the State of Alabama. Such expense allowance shall be paid out of the general fund of the county comprising such circuit in equal monthly installments at the same time and in the same manner that the salaries of other county employees are paid and no retirement contributions shall be deducted from such expense allowance. The expense allowance herein provided for shall be in lieu of any salary or expense allowance heretofore provided for by law to be paid by the county comprising such circuit.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 775

H. 361—Folmar, Plaster

AN ACT

To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the state highway system and to collect fees for the issuance of such permit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 91 of Title 36, Code of Alabama (1940) is further amended to read as follows:

“Section 91. Permits for excess weight and dimension.

“(a) General.

“The Highway Director or the official of the Highway Department designated by the Director may, in his discretion, upon application and for good cause being shown therefor, issue a permit in writing authorizing the applicant to operate or move upon the state's public roads a vehicle or combination of no more than two vehicles and loads whose weight, width, length, or height, or combination thereof, exceeds the maximum limit specified by law; provided, that the load transported by such vehicle or vehicles is of such nature that it is a unit which cannot be readily dismantled or separated, and further provided that no permit shall be issued to any vehicle whose operation upon the public roads of this state threatens to unduly damage a road or any appurtenances thereto.

“Permits may be issued on application to the Department to persons, firms, or corporations. The Highway Director shall promulgate reasonable rules and regulations which are necessary or desirable governing the issuance of such permits; provided

such rules and regulations are not in conflict with the provisions of this Title and other provisions of law.

"The original copy of every such permit shall be carried in the vehicle itself and shall be open to inspection by any police officer or state trooper or authorized agent of the Highway Department.

"The application for any such permit shall specifically describe the type of permit applied for, as said types of permits are described in subsection (b), and the application for a single trip permit in addition shall describe the points of departure and destination.

"The Highway Director or the official of the Highway Department designated by the Director is authorized to withhold such permit, or, if such permit is issued, to establish seasonal or other time limitations within which the vehicles described may be operated on the public road indicated, or otherwise to limit or prescribe conditions of operation of such vehicle, when necessary to assure against undue damage to the road foundation, surfaces or bridge structures, and require such undertaking or other security as may be deemed necessary to compensate the state for any injury to any roadway or bridge structure.

"For just cause, including, but not limited to, repeated and consistent past violations, the Highway Director or an official of the Highway Department designated by the Director, may refuse to issue, or may cancel, suspend, or revoke the permit of an applicant or permittee.

"(b) Duration and limits of permits.

"(1) Annual. The Highway Director or the official of the Highway Department designated by the Director, may pursuant to the provisions of this section issue an annual permit which shall permit the vehicle or combination vehicle and load to be operated on the state highway system of this state for 12 months from the date the permit is issued even though the vehicle or its load exceeds the maximum limits specified in this Article.

"Provided, that an annual permit shall not authorize the operation of a vehicle including all enforcement tolerances (a) whose total gross weight exceeds 150,000 pounds, provided further that gross weights over 100,000 pounds shall require advance routing by the Highway Department; (b) whose single axle weight exceeds 22,000 pounds; (c) whose total length exceeds 75 feet, with the exception of mobile homes whose length limitations, including towing vehicle, shall be 85 feet; (d) whose total width exceeds 120 inches or whose load width

exceeds 144 inches, with the exception of mobile homes whose width limitation shall be 168 inches. However, mobile homes whose width exceeds 144 inches shall require advance route approval by the Highway Department; or (e) whose height exceeds 14 feet, provided, however, that a permit to operate a vehicle which exceeds the statutory limits of height, weight, width, or length shall be issued only on condition of payment of an indemnity bond or proof of insurance protection for \$300,000 said bond or insurance protection conditioned for payment to the Highway Department to be held in trust for the benefit of the owners of bridges and appurtenances thereof, traffic signals, signs, or other highway structures damaged by a vehicle operating under authority of such over height permit. The liability under the bond or insurance certificate shall be contingent upon proof of negligence or fault on the part of the permittee, his agents, or operators.

“(2) Single Trip. The Highway Director may issue a single trip permit, pursuant to the provisions of this section, to any vehicle.

“(c) Fees. The Highway Director may promulgate rules and regulations concerning the issuance of permits and charge a fee for the issuance as follows:

“(1) Annual. Charges for the issuance of annual permits shall be as follows:

“(a) For modular homes, sectional houses, portable buildings, boats, and any vehicle or combination of vehicles; except a vehicle or combination of vehicles having trailer or combination of trailers with sidewalls or roof which has transported modular homes, sectional houses and portable buildings may, after depositing any said load, return unloaded to its point of origin even though the unloaded vehicles exceed the 55 foot limitation provided for herein, up to and including 12 feet wide, 75 feet long . . . \$100.00.

“(b) For heavy commodities or equipment:

“(i) Overweight, overlength, overheight, and overwidth . . . \$100.00.

“A tractor and trailer (low boy type) may, after depositing a load referred to in this subsection return to its point of origin even though the unloaded tractor and trailer (low boy type) may exceed the 55 foot limitation provided for herein up to and including 12 feet wide, 75 feet long.

“(c) For mobile homes up to and including 14 feet wide and 85 feet long, including towing vehicle . . . \$100.00.

"(2) Single Trip. Charges for the issuance of single trip permits shall be as follows:

"(a) Mobile homes, modular homes, sectional houses, portable buildings and boats:

"(i) Up to and including 12 feet wide, 75 feet long . . . \$10.00

"(ii) Boats in excess of 12 feet wide . . . \$20.00

"(iii) Mobile homes, modular homes, sectional houses, and portable buildings in excess of 12 feet wide and/or 75 feet long . . . \$20.00

"(b) Heavy commodities or equipment:

"(i) Over on any of the following limitations: length, height, width . . . \$10.00.

"(ii) Over on weight, as follows:

Weight Permitted	Permit Fee
From 80,001 pounds up to 100,000 pounds	\$ 10
From 100,001 pounds up to 125,000 pounds	30
From 125,001 pounds up to 150,000 pounds	60
From 150,001 pounds and over	100

"(c) Miscellaneous:

"(i) Houses . . . \$20.00.

"(ii) Off the road equipment . . . \$10.00

"(iii) Other oversized vehicles, loads and equipment not herein specified . . . \$20.00.

"(iv) Other overheight loads not herein specified . . . \$10.00

Section 2. Under provisions of this Act fourteen feet wide vehicles and combination vehicles and load may be issued a permit to travel the interstate highways.

Section 3. No permit shall be issued if the issuance of the permit would violate United States law or would cause the State of Alabama to lose Federal-Aid funds. Notwithstanding any provisions of any statute to the contrary, all permit fees collected in accordance with this Act shall be paid to the Public Road and Bridge Fund in addition to any sums appropriated therefor to the Highway Department.

Section 4. Act No. 382 of the 1955 Legislative Session and all amendments thereto and all other acts which conflict with this Act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective thirty days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 776

H. 596—Sonnier

AN ACT

To make an appropriation from the earnings of the Alabama State Docks in Mobile for the relief of Aubry Price of Mobile.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to Aubry Price of Mobile, for his relief, the amount of thirty-two thousand dollars (\$32,000.00) out of the current earnings of the Alabama State Docks in Mobile.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 25, 1977.

Time: 4:30 P.M.

Act No. 777

H. 683—McNees, Owens

AN ACT

Regulating further license plates to be used for motor vehicles; providing for distinctive license plates for vehicles owned by members of certain organizations; and exempting such members from privilege or license tax and registration fees levied on automobiles and motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, unless the context clearly requires a different meaning: "Volunteer rescue squad" means

only those persons or organizations who are members of the Alabama Association of Rescue Squads Inc.

Section 2. Members of volunteer rescue squads may, upon application and subject to the provisions of this act be issued distinctive motor vehicle license plates or tags identifying these persons with such organizations. The distinctive plates or tags so issued members of these organizations shall bear the letters "R.S." and the proper number stamped thereon.

Section 3. The distinctive license plates here provided for shall be prepared by the commissioner or revenue and shall be issued through the judge of probate or license commissioner of the several counties of the state in like manner as are other motor vehicle license plates or tags and such officers shall be entitled to their regular fees for such service. Applicants for such distinctive plates shall present to the issuing official proof of their membership in a volunteer rescue squad by means of certificate signed by the treasurer of Alabama Association of Rescue Squads, Inc. The distinctive license plates or tags so issued shall be used only upon and for personally-owned, private, passenger vehicles (to include station wagons and pick-up trucks) registered in the name of the member of a volunteer rescue squad making application therefor, and when so issued to such applicant shall be used upon the vehicle for which issued in lieu of the standard license plates or license tags normally issued for such vehicle.

Section 4. The distinctive license plates issued hereunder shall not be transferable as between motor vehicle owners and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same such plates shall be retained by the owner to whom issued and by him returned to the judge of probate or license commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license period, the judge of probate or license commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license period. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year the judge of probate or license commissioner shall, upon proper certification

of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and use same thereon for the remainder of the then current license period. Such notice of transfer of ownership shall be made of record by the judge of probate or the license commissioner.

Provided further, that any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the judge of probate or license commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license period.

Section 5. Such distinctive plates or tags shall be prepared and furnished for the licensing year commencing October 1, 1977, and thereafter as is provided by law for the issuance of other license plates.

Section 6. There shall be exempt from the operation of the privilege or license tax and registration fee now or hereinafter to be levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any member of a volunteer rescue squad.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective October 1, 1977 its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 778

S. 606—Teague

AN ACT

To require that persons or companies bidding on asphalt plant mix to be sold to the State of Alabama shall have such asphalt plants inspected and certified by the Highway Department.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons or companies to be eligible to bid on asphalt plant mix to be sold to the State of Alabama shall have the asphalt plants inspected and certified by the Highway Department. Such certification shall be made by the Bureau of Materials and Tests and shall include a statement that the plant meets the requirements set forth in the current edition of the State of Alabama Highway Department Standard Specifications for Highways and Bridges.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 779

S. 841—Stewart

AN ACT

Relating to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to set the county license commissioner's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The license commissioner of such county shall receive an annual salary of fifteen thousand dollars (\$15,000), payable in equal monthly installments out of the county treasury. Such compensation shall be in lieu of any other compensation provided for by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 780

H. 3—Biddle

AN ACT

To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Be It Enacted by the Legislature of Alabama:

SECTION 1.

(1) The Legislature recognizes that there are many adult citizens of the State who, because of the infirmities of age, disabilities or like incapacities, are in need of protective services. Such services should, to the maximum degree of feasibility, allow the individual the same right as other citizens, and at the same time protect the individual from exploitation, neglect, abuse and degrading treatment. This Act is designed to establish those services and assure their availability to all persons when in need of them, and to place the least possible restriction on personal liberty and exercise of constitutional rights consistent with due process and protection from abuse, exploitation and neglect.

(2) This Act shall be known and may be cited as the Adult Protective Services Act of 1976.

SECTION 2. As used in this Act:

(1) The "adult in need of protective services" is a person 18 years of age or older whose behavior indicates that he is mentally incapable of adequately caring for himself and his interests without serious consequences to himself or others; or who because of physical or mental impairment is unable to protect himself from abuse, neglect or exploitation by others; and who has no guardian or relative or other appropriate person able, willing and available to assume the kind and degree of protection and supervision required under the circumstances.

(2) "Interested person" means any adult relative, friend,

or guardian of a person to be protected under this Act; or any official or representative of a public or private agency, corporation or association concerned with his welfare.

(3) "Caretaker" means an individual who has the responsibility for the care of the elderly or handicapped person as a result of family relationship or who has assumed the responsibility for the care of the person voluntarily, by contract, or as a result of the ties of friendship.

(4) "Other like incapacities" means those conditions incurred as the result of accident or mental or physical illness, producing a condition which substantially impairs an individual from adequately providing for his own care or protecting his own interests or protecting himself from physical or mental injury or abuse.

(5) "Senility" means organic brain damage caused by advanced age or other physical illness in connection therewith to the extent that the person so afflicted is substantially impaired in his ability to adequately provide for his own care.

(6) "Abuse" means the willful infliction of physical pain, injury or mental anguish or the willful deprivation by a caretaker or other person of services necessary to maintain mental and physical health.

(7) "Neglect" means the failure of a caretaker to provide basic needs such as food, shelter, and health care for the person unable to care for himself; or the failure of the person to provide these basic needs for himself when the failure is the result of the person's mental or physical inability.

(8) "Exploitation" means an unjust or improper use of another person or another person's resources for one's own profit or advantage or for the profit or advantage of another person.

(9) "Protective services" means those services whose objective is to protect an incapacitated person from himself and from others.

(10) "Department" means the Department of Pensions and Security of the State of Alabama.

(11) "Court" means Circuit Court or other court exercising such jurisdiction.

SECTION 3

(1) Protective services may be arranged when an adult person is in need of care and protection because of danger to his health or safety, provided, however, that nothing in this

Act shall be construed to mean that the Department is chargeable for the cost of such care except where such care is specifically provided for by law or Departmental regulations and funding exists for such purpose; all protective services shall be in conformity with the wishes of the person to be served unless the person is unable or unwilling to accept such services, and if the person is unable or unwilling to accept such services, the Court may order such services. The Department may be required to provide or arrange for services only for persons it is equipped to serve and agrees to serves.

(2) The Department shall seek out, through investigation, complaints from citizens or otherwise, the adults in the state who are in need of care and protection because of danger to their health or safety, and shall, as far as may be possible, through existing agencies, public or private, or through such other resources as are available, aid such adults to a fair opportunity in life.

SECTION 4.

(1) An interested person may petition the Court to order protective placement of an adult for purposes of care. No protective placement may be ordered unless there is a determination by the Court that the person is unable to provide for his own protection from abuse, neglect or exploitation. Upon such petition, setting forth the facts and name, age, sex, and residence of such person, the Court of the circuit in which such person resides has authority, and it is a duty, to appoint a day, not more than 30 days from the filing of such petition, for the hearing thereof. If, on the hearing of such petition, the person is not represented by counsel, the Court shall appoint a guardian ad litem to represent him. A jury of 6 persons shall be impanelled for said hearing to serve as the trier of facts.

(2) Costs of Court proceedings under this Act shall be paid as other civil court costs are paid, as provided for by law.

(3) The Court shall give preference in making a determination to the least drastic alternative considered to be proper under the circumstances, including a preference for noninstitutional care wherever possible. Before ordering the protective placement of any person, the Court shall direct a comprehensive evaluation of the adult in need of services, if such an evaluation has not already been made and is necessary. The Court may utilize available resources in the community in determining the need for placement. The Department shall cooperate with the Court in securing available resources for the person to be served. A copy of the comprehensive evaluation shall be provided to the guardian or to the guardian ad litem or attorney of the person if a guardian has not been appointed.

The Court obtaining the evaluation shall request appropriate information which shall include at least the following:

(a) The address of the place where the person is residing and the person or agency who is providing services at present, if any;

(b) A resume of any professional services provided to the person by the Department or other agency in connection with the problems creating a need for placement;

(c) A medical, psychological, social, vocational and educational evaluation and review, where necessary.

(4) The Department which arranges for a protective placement shall make an evaluation and submit a written report to the Court at least once every 6 months covering the physical, mental and social condition of each person for whom it is acting and shall recommend an alternative arrangement where appropriate.

(5) Any record of the Department or other agency pertaining to such a person shall not be open for public inspection. Information therein shall not be disclosed publicly in such a manner as to identify individuals, but may be made available on application for cause to persons approved by the Commissioner of the Department or by the Court.

(6) Placement may be made in an appropriate alternative living arrangement such as a licensed nursing home, licensed personal care facility, or approved foster care home. No person may be committed to a mental health facility under this Act.

(7) If the person is eligible for the adult services program of the Department, usual Department policies will be followed in regard to fees and/or payments. If the person's income and/or resources make him ineligible for Department services other than protective services, payment for services in relation to his evaluation and to his care in a protective setting is to be made from his income and/or resources. A guardian may be appointed by the Court, provided, however, that the Department shall not be appointed as guardian, and provided further that the Department shall not be appointed custodian other than for the limited purpose, where appropriate, of transporting an adult for protective placement as ordered by the Court. If it is agreeable with the person to be served, the Court may appoint a guardian having the same powers as a guardian of a person of unsound mind and it shall not be necessary to have a sanity hearing; otherwise, the Court may appoint a guardian in accordance with procedures as provided by law for the appointment of a guardian for a person of unsound mind.

(8) When any adult in need of protective services is unable to manage his estate and thereby is in danger of being reduced to poverty and want, an interested person may petition the Court to preserve the estate of such person, to direct use of the estate for the needs of the person, and for the general relief of the person.

(9) No civil rights are relinquished as a result of any protective placement under this Act. Nothing in this Act shall be construed to authorize or require medical care or treatment for a person in contravention of his stated or implied objection thereto upon the grounds that such medical care and treatment conflict with his religious beliefs and practices.

(10) As far as is compatible with the mental and physical condition of the adult in need of services or claimed to be in need of services under this Act, every reasonable effort will be made to assure that no action is taken without the full and informed consent of the person.

SECTION 5. It shall be unlawful for any person to abuse, neglect or exploit any adult protected under the provisions of this Act. Charges of such abuse, neglect, or exploitation may be initiated upon complaints of private individuals or as a result of investigations by social service agencies or on the direct initiative of law enforcement officials.

SECTION 6. All physicians and other practitioners of the healing arts having reasonable cause to believe that any adult protected under the provisions of this Act has been subjected to physical abuse, neglect or exploitation shall report or cause a report to be made as follows:

(1) An oral report, by telephone or otherwise, shall be made immediately, followed by a written report, to the County Department of Pensions and Security or to the chief of police of the city or city and county, or to the sheriff of the county if the observation is made in an unincorporated territory.

(2) Within three days following such oral report, an investigation shall be made by the County Department of Pensions and Security or the law enforcement official, whichever receives the report, and a written report prepared which will include the following:

(A) Name, age and address of such person,

(B) Nature and extent of injury suffered by such person,

(C) Any other facts or circumstances known to the reporter which may aid in the determination of appropriate action.

All such reports prepared by a law enforcement official

shall be forwarded to the County Department of Pensions and Security within twenty-four hours.

SECTION 7. Any person, firm or corporation making or participating in the making of a report pursuant to this Act or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

SECTION 8. Any physician or other practitioner of the healing arts who shall knowingly fail to make the report required by this Act shall be guilty of a misdemeanor and shall upon conviction be punished by imprisonment for not more than six months or a fine of not more than \$500.

SECTION 9. Emergency care: When there is brought to the attention of a County Department of Pensions and Security a person who is unable because of physical or mental disabilities to provide for his basic needs for shelter, food, clothing, or health care, and whose health or safety is in immediate danger, the Department may arrange for protective services with the consent of the person. If the person is incapable of giving consent or does not consent, the Department will petition the Court for an order authorizing the Department to arrange for care for such person immediately. Upon a determination by the Court that such care is urgently and immediately necessary to protect the health or safety of the person, an appropriate order of the Court will be issued authorizing the Department to arrange for the placement of such person in an approved foster home, licensed nursing home or other similar facility immediately. At the proceeding to obtain the necessary order, any relative or other interested person may appear to oppose or join in the petition of the Department. In the event of such involuntary protective placement the Court shall thereafter within 10 days cause notice to be given, as appropriate, to the person, his spouse and other interested persons of the action of the Court, the present whereabouts of the person, and setting a time for a hearing on the matter of the person's needs for protective placement, the appropriateness of the present placement, and arrangements for future care.

SECTION 10. Any officer, agent, or employee of the Department in the good faith exercise of his duties under this Act shall not be liable for any civil damages as a result of his acts or omissions in rendering assistance or care to any person.

SECTION 11. Any person who abuses, neglects or exploits a person in violation of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be punished by imprisonment for not more than six months or a fine of not more than \$500 or both.

SECTION 12. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

SECTION 13. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 781

H. 834—Kennedy, Buskey, Sonnier

AN ACT

To honor the memory of the late John L. LeFlore; relating to counties of not less than 300,000 nor more than 600,000 inhabitants; to require that the next public high school built in any county to which this Act applies shall be named the John L. LeFlore High School.

WHEREAS, On January 30, 1976, the Alabama Legislature was deeply saddened by the death of our colleague and friend, State Representative John L. LeFlore; and

WHEREAS, Representative LeFlore had earned the respect of those who knew him and inspired his fellow legislators; and

WHEREAS, Representative LeFlore was a champion of civil rights and strove for racial equality for all; and

WHEREAS, his numerous accomplishments include being director of the Mobile Committee for the Support of Public Education, a member of the Federation of Human Rights, the first black appointed to the Mobile Housing Board, leader in the Mobile Comprehensive Employment Training Act, and board member of Mobile United and Salvation Army; and

WHEREAS, Representative John L. LeFlore while serving his first term in the lower house was a member of the first integrated Mobile County legislative delegation in more than a century; was vice-chairman of the House Public Welfare Committee and was author of the innovative legislation which provides resources for the Mobile County Board of Health to fight noxious diseases spread by mosquitoes, rats and other disease carriers; and

WHEREAS, Representative LeFlore's many years of public service is appreciated by the legislature and the citizens of Mobile County; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in counties with populations of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The next public high school built after the effective date of this act in any county to which this Act applies shall be named the John L. LeFlore High School.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 782

H. 926—McNair

AN ACT

To amend further Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Apprx., Section 646), relating to the establishment of a county civil service system for certain counties, so as to include police officers who are employed by municipalities whose population is 2500 or more according to the last federal census that are located in counties having a population of 400,000 or more inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 248, H. 580, 1945 Regular Session (Acts of 1945, p. 377; now appearing in Code of Alabama, Recompiled 1958, Apprx., Section 646), is hereby further amended to read as follows:

“Section 2. Personnel Board; extent of its authority defined, In and for each separate county of the State of Alabama which has a population of four hundred thousand or more inhabitants according to the last or any future federal census, there shall be a personnel board for the government and control, by rules and regulations and practices hereinafter set out or authorize, of all employees and appointees holding positions in the classified service of such counties, the municipalities therein having a population of five thousand or more inhabitants, according to the last federal census, whose corporate limits lie wholly within the county, the police officers who are employed by any municipality therein having a population of 2500 or more inhabitants, according to the last federal census,

whose corporate limits lie wholly within the county, and the County Board of Health, and such personnel board is vested with such powers, authority and jurisdiction. Provided, however, that such board shall not govern any officers or appointees holding positions in the unclassified service. The unclassified service shall include: All employees or appointees of a city or county board of education, or a library board; persons engaged in the profession of teaching or in supervising teaching in the public schools; officers elected by popular vote; the judge of any court; the county attorney; the director of personnel; the county health officer, provided, however, that if any law or laws now or hereafter enacted shall cause the offices of all other county health officers in the State of Alabama to become subject to any state or county civil service or merit system now or hereafter established, in such event the office of county health officer in each county subject to the provisions of this Act shall be a position in the classified service as herein defined; one private secretary of a member of the governing body and of each officer except judges elected by vote of the people; internes, resident physicians, resident dentists, student technicians and student nurses, while undergoing training in a county health department or in a hospital maintained by public funds; common laborers, members of boards who are not employed on a full-time basis and are not required to devote their time and services exclusively to such counties and municipalities therein; attorneys, physicians, surgeons and dentists who with the express or implied permission of an appointing authority or of such county or city hold themselves out for employment by others in the same or a like line of work as that performed by them for such appointing authority; where there are two county sites or county court house sites maintained in one county and a county officer or officers are required to maintain an office in one court house and a branch of subsidiary office in the other of said court-houses, the chief deputy of each elective officer in charge of such branch office. The classified service shall include all other offices and positions in the county and municipal service, including the services of the County Board of Health and the Board of Registrars of such county, except as otherwise provided in this Act. Each member of the Board in all hearings before it may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of papers, books and records and may punish for contempt of the Board in like manner and extent as may be done by courts of county commissioners: A member of the board or his employer shall be prohibited from selling materials, supplies or services to a county or municipality unless such sales are made as the result of open competitive bidding. The

term 'independent contractor', as used in this section shall include a prospective independent contractor, and the term 'appointing authority' as used in this section, shall also include the public entity for which an appointing authority acts. The term 'employee', as used in this Act, shall not be deemed to include 'independent contractors', but, in order to prevent evasions of the policy of this Act, the board shall have power to control, in the manner hereinafter specified, the use of independent contractors for performance of work for an appointing authority except in cases hereinafter specifically exempted from such control. The board shall exercise constant vigilance to see that the policy of this Act be not evaded by the use of independent contractors, and whenever the board shall have reason to believe that work is about to be, or is being done, continued or completed by an independent contractor for an appointing authority, and that such work is such as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed or appointable, under this Act as by an independent contractor, the board may serve such appointing authority and such independent contractor, if such independent contractor be known, with a written request to appear before the board at a time and place specified in such written instrument and show cause, if any there be, why such work should not be done, continued or completed by one or more employees appointed, or appointable, under this Act. Deposit of such written request in the United States registered mail, postage and registration fee prepaid and properly addressed, shall be sufficient service. At the time and place specified in said written request such appointing authority and independent contractor, or either of them, may appear, and, in such event, shall be accorded a fair hearing. If, upon such hearing, or in the event opportunity therefor be not availed of, in the absence thereof, the board shall determine that such work is such, or of such character, as to be, or, at the time of commencement thereof, to have been, performable as well, practically, expeditiously and economically by one or more employees appointed, or appointable, under this Act as by an independent contractor, and that no sufficient reason has been made to appear why such work should be performed by an independent contractor in preference to one or more employees appointed, or appointable, under this Act, the board may enter an order prohibiting the doing, continuance or completion of such work after a date specified in such order otherwise than by and through one or more employees appointed, or to be appointed, under this Act, and no compensation shall be paid to, or received by, an independent contractor effected by such order for work done after the date specified in such order. In arriving at its determination the

board shall consider, among other things, and give appropriate weight, to the circumstances of whether or not competent persons are available for appointment under this Act for performance of the type of work involved, and of whether or not the type of work involved is such as may be reasonably expected to be continuous for an indefinite time, regularly recurrent, or sporadic, and of whether or not the type of work involved is such as is customarily and generally let to independent contractors, and of whether or not the appointing authority possesses, or should reasonably be expected to obtain, physical facilities for performance of such work by one or more employees appointed, or appointable, under this Act. The board, however, shall have no power to prohibit the use of independent contractors for the construction of viaducts, bridges, street improvements, sewers, canals, public buildings, or public utilities, and, should an appointing authority desire to do any such construction work by means of its own construction forces or employees, the board, upon application to its first made, may, but is not required, to permit the doing of such construction work by construction forces or employees of the appointing authority not appointed under this Act, subject to such conditions and limitations as the board may prescribe. In order to forestall the possibility of prohibition by the board of use of an independent contractor for the further performance of any work after such work has been let to such independent contractors, an appointing authority may apply to the board in advance of the letting of any work to an independent contractor for permission to do so, such application to be in writing and to contain a copy of the proposed contract or such general description of its substance as may be satisfactory to the board. The board may grant such application with or without conditions or limitations, and if the same be granted the board shall not thereafter prohibit anything thus authorized. In its determination concerning grant or refusal of such application, the board shall be guided by the same considerations as are hereinabove indicated for guidance of its determination upon the question of whether or not to prohibit the commencement or continuation of work by an independent contractor. In the event the governing body of any municipality whose corporate limits lie partly within said county and partly within any other county and having a population of five thousand or more inhabitants, according to the last federal census, or any succeeding federal census, shall adopt a resolution in favor of such municipality coming under the provisions of this act, and transmit or cause to be transmitted a certified copy of such resolution to the Personnel Board of such civil service system, then, sixty days after effective date of such resolution, the provisions of this Act shall apply to any such munici-

pality having the required number of inhabitants and whose corporate boundaries lie partly within said county and partly without said county. Any municipality which adopts a resolution and comes under the provisions of this Act, as herein provided, shall thereafter remain under this Act, and may not repeal or rescind such action either by the adoption of a resolution or otherwise."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 783

H. 943—McCluskey, Shoemaker, Dial
AN ACT

To amend Section 2 of Act No. 793, 1975 Regular Session (Acts of 1975, p. 1596), entitled:

"An Act Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies;" so as to increase the compensation of the secretarial assistants for the office of circuit judge of the judicial circuit in which such county lies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 793, 1975 Regular Session (Acts of 1975, p. 1596) is hereby amended to read as follows:

"Section 2. The compensation of such secretarial assistants for the circuit judges shall be set by the circuit judge at a sum not exceeding \$725.00 per month."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 784

H. 950—Gafford

AN ACT

To provide that when a vacancy occurs on the governing body of

Jefferson County, the Election Commission of Jefferson County shall adopt a resolution providing for a special election, with a run-off election, if necessary, to fill such vacancy; to provide how a person shall become a candidate for the office to be filled; to provide that any person elected to fill a vacancy hereunder shall serve the unexpired term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred; to provide that the general laws of the State governing elections shall apply to any election held under the Act, except as the Act otherwise provides; to provide that no person shall be appointed to fill such vacancy; and to repeal Section 145, Title 62, Code of Alabama of 1940, and any other laws or parts of laws in conflict with the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used, the following terms have the meanings hereby ascribed to them: "the County" means Jefferson County, Alabama; "a vacancy" means a vacancy on the governing body of the County caused by death, resignation, impeachment, or any cause except normal expiration of terms; "first election hereunder" means the first election for which this Act provides to fill a vacancy as distinguished from the run-off election held hereunder, if a run-off election is necessary; "run-off election hereunder" means the run-off election for which this Act provides, if no candidate at the first election hereunder receives a majority of the votes cast; "a County wide election" means any election, whether general, special or primary, including run-off elections, whereat qualified electors throughout the County are entitled to vote and which is held to elect a Federal, State or County officer or to nominate a candidate or candidates, for a Federal, State or County office or offices, to submit one or more questions, including, but not limited to, the question of adopting a proposed amendment to the Constitution of Alabama and the question of whether general obligation bonds, or revenue bonds, of the State or County shall be issued; "a scheduled County wide election" means a County wide election which is scheduled to be held on a date definitely determined when a vacancy occurs; and "the Election Commission" means the Election Commission of the County.

Section 2. Within seven days from the occurrence of any vacancy the Election Commission, by a majority vote thereof, shall adopt a resolution stating the dates on which the first election hereunder and the run-off election hereunder, if necessary, will be held. The said dates will be determined as provided for in Sections 3 and 4, below.

Section 3. If when a vacancy occurs a County wide election is scheduled to be held more than forty days and not more than 180 days from the date whereon the vacancy occurs, the first election hereunder, to fill such vacancy, shall be held on the County wide election date. If when the vacancy occurs

there is no County wide election scheduled to be held more than forty days and not more than 180 days after the date whereon the vacancy occurs the first election hereunder, to fill the vacancy, shall be held on a date specified by the Election Commission in the resolution, provided for in Section 2, above, which date shall be not less than thirty-three days and not more than forty days from the date on which the resolution is adopted.

Section 4. If when the resolution, provided for in Section 2, above, is adopted, a County wide election is scheduled to be held not less than three weeks and not more than eight weeks from the date on which the resolution provides the first election hereunder shall be held, to fill said vacancy, the run-off election hereunder, if necessary, shall be held on the date on which said County wide election is scheduled to be held. If when the resolution, provided for in Section 2, above, is adopted, there is no County wide election scheduled to be held not less than three weeks and not more than eight weeks from the date on which the resolution provides for the first election hereunder to be held, the resolution shall provide for the run-off election hereunder, if any run-off election is necessary to be held three weeks subsequent to the date on which the first election hereunder will be held to fill the vacancy.

Section 5. Any person elected to fill a vacancy hereunder shall serve the unexpired portion of the term which the person occupying said office when the vacancy occurred would have served if the vacancy had not occurred.

Section 6. The first election hereunder and the run-off election hereunder, if a run-off election is required, shall be held on the dates provided for in the resolution adopted under Section 2, above. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to any election held hereunder, except as herein otherwise provided.

Section 7. The failure of the Election Commission to provide for the first election hereunder, or the run-off election hereunder, within seven days from the occurrence of a vacancy shall not terminate the jurisdiction and duty of the Election Commission to provide for such first election or such run-off election.

Section 8. No primary election shall be held to nominate a candidate to fill a vacancy under the provisions of this Act. At any election held under this act no person's name shall appear on the ballot as a candidate for the office to be filled at said election unless such person has filed in the office of the Judge of Probate of the County within the time and in the forms

prescribed below in this Section 8 his statement of candidacy and the petition signed by at least one hundred qualified electors requesting that such person become a candidate for the said office.

Any person desiring to become a candidate at any election hereunder may become such candidate by filing in the office of the Judge of Probate of the County such person's statement in writing of such candidacy, accompanied by such person's affidavit taken and certified by such Judge of Probate, or by a Notary Public, that such person is duly qualified to hold the office for which the person desires to be a candidate. Such statement shall be filed at least twenty-one days before the date set for such election; and shall be in substantially the following form:

"State of Alabama, Jefferson County.

I, the undersigned, being first duly sworn, depose and say that I am a citizen of Jefferson County in Alabama, residing at in said County, that I desire to become a candidate for the office of at the election for said office to be held on the day of, and that I am duly qualified to hold said office if elected thereto; I hereby request that my name be printed on the official ballot at said election.

Signed.....

Subscribed and sworn to before me, the undersigned (Probate Judge or Notary Public, as the case may be) on this the day of, 19.....

.....
(Judge of Probate or Notary Public
as the case may be)"

Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be in substantially the following form:

"We, the undersigned, duly qualified electors of Jefferson County, and residing at the places set opposite our respective names, do hereby request that the name of be placed upon the official ballot as a candidate for the office of at the election for said office to be held in said County on the day of We further state that we know that said possesses the qualifications necessary for said office, and is in our

judgment a fit and proper person to hold said office. Witness our hands on this the day of, 19....."

No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to the provisions as set forth above. If voting machines are used in the County, the names of candidates shall be suitably placed on voting machines.

Section 9. No persons shall be appointed to fill a vacancy. Section 145, Title 62, Code of Alabama of 1940, and all other laws and parts of laws, whether general, local or special in conflict herewith, are hereby repealed to the extent of any such conflict.

Section 10. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved May 25, 1977.

Time: 4:30 P.M.

Act No. 785

H. 1023—Shelton, Merrill

AN ACT

To provide that any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. No rights under the terms of any contract shall be abrogated nor shall any security for the fulfillment of any obligation be jeopardized by the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any public corporation heretofore or hereafter incorporated and existing under the provisions of Act No. 109, H. 148 of the 1961 Regular Session, as amended, [1961 Acts, p. 134; appearing in Code of Alabama 1940, Recompiled 1958, Title 22, Section 204 (41a)], is hereby authorized and empowered to lease any hospital, building or facility constructed and equipped under the provisions of such act to any public corporation or any non-profit corporation. Nothing herein shall be construed to allow the abrogation of the terms of any contract or to jeopardize any security for the fulfillment of any obligation assumed under the provisions of said Act No. 109.

Section 2. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 786

H. 1073—Glass

AN ACT

Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census; requiring a rotation system for wreckers; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officers in such counties from displaying favoritism in calling wreckers; and establishing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. All motor vehicle wreckers shall be placed upon a rotation system to be devised by Alabama State Department of Public Safety for the counties to which this Act applies to be used in calling wreckers to the scene of motor vehicle wrecks or where a motor vehicle is disabled.

Section 3. A request system shall be used in cases where the owner or operator of the motor vehicle expresses a preference for a particular wrecker, but in cases where no preference is expressed or where the owner/operator is unconscious or otherwise unable to communicate, the trooper or other law enforcement officer shall call the wrecker at the top of the rotation list.

Section 4. Wreckers shall not go to the scene of a wreck unsolicited. While on their way to a wreck, they shall not speed or drive recklessly. They shall not jam up the scene of a wreck, nor shall they solicit wreck victims on the scene.

Section 5. There shall be a time limit set upon how long a rotation wrecker may take in getting to the scene of a wreck.

Any wrecker company who is consistently tardy in reporting to wreck scene when summoned shall be removed from the rotation list.

Section 6. State troopers or other law enforcement officers are forbidden to show any favoritism whatsoever in calling wreckers.

Section 7. Wreckers on the rotation list must meet the criteria set by the Alabama State Department of Public Safety for the counties to which this act applies.

Section 8. Any person who violates any provision of this act or any rule or regulation of the Alabama State Department of Public Safety promulgated hereunder shall be deemed guilty of a misdemeanor and upon conviction shall be punished as prescribed by law.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 787

H. 1159—McNair

AN ACT

To provide and regulate a tax exemption for annexed territory of incorporated municipalities with populations of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any city having a population of 2,000 or more in any county having a population of 600,000 or more according to the 1970 or any subsequent federal decennial census.

Section 2. All territory brought within the corporate limits of a city to which this act applies and all property having a situs within such territory, may be exempt from city taxa-

tion or the payment of taxes to the city for the period of not less than ten nor more than fifteen years from the time when such territory is brought within the corporate limits of the city.

Section 3. From time to time after the lapse of five years from the time when such territory is brought within the corporate limits of the city, all portions of such territory as has residing on it a population of at least twenty persons on a contiguous ten acres of land (in forms of a square or any other shape) and all property having a situs on such populated territory, shall thereafter be subject to taxation by the city and taxes thereon shall be paid to the city.

Section 4. All portions of such territory which is at the time it is brought within the corporate limits of the city used or occupied as or as a part of a mining, manufacturing, or industrial plant or construction, or which is used or occupied as or as a part of a railroad or street railroad, or for any other quasi public use, and continues to be so used, and all property having a situs on such territory (but not including residences, dwelling houses, storehouses, commissaries, warehouses, or the land on which they are situated) may be exempt from city taxation for a period of ten years; and all portions of such territory which, after it is brought within the corporate limits of the city, is used or occupied by a new construction as or as a part of mining, manufacturing, or industrial plant or construction, or which is used or occupied as or as a part of a railroad or a street railroad, or for any other quasi public use, and continues to be so used, and all property having a situs on such territory (but not including residences, dwelling houses, storehouses, commissaries, warehouses, or the land on which they are situated) may be exempt from city taxation for a period of ten years from the time of construction, use, or occupation; but in no event is the exemption to extend beyond fifteen years from the time when such territory is brought within the corporate limits of the city.

Section 5. The governing body of such city may, at any time prior to the annexation of territory to its corporate limits adopt a resolution setting forth the minimum level of services which will be provided in such annexed territory for a period of time to be specified in such resolution, not to exceed five (5) years from the date of such annexation. Such resolution may also provide for the making of public improvements specified therein in such annexed territory following annexation thereof and the length of time following such annexation within which such public improvements shall be started, or finished, or both. In the event such a resolution is adopted by the governing body of such city prior to annexation of territory to such city, the provisions of such resolution shall be held to be a con-

tract by and between the city, on the one hand, and, on the other, (a) the persons and corporations owning property in such annexed territory, (b) the persons residing in such annexed territory, and (c) the persons and corporations, if any, occupying property in such annexed territory and conducting business operations therein. Any such person or corporation deemed by this Act to be a contracting party with such city under the terms hereof shall have the right in any court having jurisdiction to force the city to maintain such minimum level of services specified in such resolution for the length of time specified therein, or to force such city to develop the public improvements specified therein, if any, or both.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 788

H. 1326—Moore (O), Waggoner

AN ACT

Relating to Shelby County, levying an additional privilege license tax upon the sale, use, consumption, distribution, storage or withdrawal from storage, of all beer, malt or brewed beverages in the county; providing for the collection and distribution of the proceeds of said tax, which proceeds shall be used exclusively for financing the operations of any personnel board created in said county for employees of various county and municipal law enforcement offices and for certain law enforcement purposes; creating a special fund in the county treasury for the maintenance of any such law-enforcement personnel board; prescribing penalties for violations of the act; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Shelby County, Alabama.

Section 2. There is hereby levied and imposed an additional privilege license tax on each bottled or canned unit of malt or brewed beverages of 1c for each 12 ounce serving, or fractional part thereof, (including draft beer) sold, used, con-

sumed, stored, or withdrawn from storage in Shelby County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, and evidenced by the appropriate stamps as provided for below, such payment shall be sufficient, the intent being that the tax hereby levied shall be paid but once.

Section 3. The proceeds of the tax hereby levied, less collection costs as hereinbelow provided, shall be used expressly to finance any personnel board for county and municipal law enforcement employees in said county, and a special fund to be known as the Shelby County Law Enforcement Personnel Board Fund is hereby established in the county treasury for such purposes; provided further that any funds not expended in any year by the board shall revert to the county general fund, to be used solely for law enforcement purposes in said county.

Section 4. The additional privilege license tax herein authorized and levied shall be collected in the manner set forth below by or under the supervision and control of the county commission, or like governing body of Shelby County (hereinafter referred to as "the commission"), which shall be primarily responsible for the administration of this Act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax hereby levied, and shall provide decal type tax stamps to be placed upon the lids or crowns of all containers in which malt or brewed beverages are sold, including kegs or barrels of draft beer as evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this Act.

Section 5. (a) It shall be the duty of any person, subject to the privilege license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the pre-

scribed notice, shall be punishable as provided for in subsection (f) hereof.

(b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this Act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be punishable as provided for in subsection (f) hereof.

(c) Should any person subject to the provisions of this Act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then in that event it shall be the duty of the commission to ascertain from such information and data as may be reasonably available the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall be punishable as provided for in subsection (f) hereof, and each day of delay in payment shall constitute a separate offense.

(d) The taxes hereby imposed shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

(e) All rights to inspect documents, records, books of account and other pertinent information which are granted to the commission in this section shall also be granted to the municipalities of Shelby County with respect to businesses and other locations within the corporate limits and/or police jurisdictions of the municipalities.

(f) Any person found guilty of violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be punished as prescribed by law.

Section 6. (a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this Act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the commission to enforce the provisions of this Act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this Act. It shall be lawful also for any police officer or deputy sheriff, to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages. Provided, however, that the authority of police officers shall be limited to the corporate limits and police jurisdictions of the municipality by which they are employed.

Section 7. The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this Act. The commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the actual amount which it has expended for stamps, decals, reporting forms, notices and other materials necessary for efficient administration, collection, distribution, and enforcement of the tax hereby imposed. After deduction of the expenses incurred for said stamps, decals, notices, forms and material necessary, the amounts payable to the recipients shall be distributed as hereinabove provided.

Section 8. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes a penalty of ten percent of the amount of tax, together with interest thereon at the rate of one-half of

one percent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax, in addition to any fine imposed for the violation of the provisions hereof.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 789

H. 1328—Moore (O), Waggoner

AN ACT

To provide for a personnel board for employees of county law enforcement offices in Shelby County; to provide for the compensation, terms of office and compensation for members of said board; to authorize the board to regulate, by promulgation of rules and regulations, appointments, qualifications, tenures, salaries, promotions and dismissals of said employees; to provide for the duties and functions of the board; to provide for a hearing and appeal procedure for employees who have had disciplinary action taken against them; to provide a procedure for the board for accepting and filing applications for employment within county law enforcement offices and providing for the appointment of qualified applicants to such positions; to provide for a procedure for hearing complaints within the various law enforcement offices; to grant certain powers of deposition and subpoena to the board for the facilitation of the board's hearings and investigations; to provide that all meetings of the board shall be open to the public; to provide appeal to the circuit court for adverse decisions of the board; to prohibit employees under control of the board from participating in certain political activities; to provide that the board's expenses of operation shall be financed from the proceeds of an additional tax on county sales of beer and brewed beverages enacted at the 1977 legislative session; to provide a procedure whereby municipalities may come under the provisions hereof; to provide penalties for violations of any provisions of the act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Shelby County, Alabama.

Section 2. As used in this act, unless the context clearly

requires a different meaning: "city" means any municipality employing law enforcement officers in Shelby County; "employee" means any person, not excepted by Section 3 of this act who is employed in the service of any city or the county in Shelby County within the various law enforcement departments; "board" means the Shelby County Law Enforcement Personnel Board created by this act; "appointing authority" in the case of municipal employees means elected officers, where applicable, otherwise the applicable municipal governing body; and in the case of county employees, the sheriff, or other elected officials vested with powers to appoint law enforcement employees as provided by law.

Section 3. The provisions of this act shall apply to all law enforcement employees of Shelby County but shall not apply to the following persons: (a) elective officers of the county or any municipality therein; (b) members of county or municipal appointive boards, commissions and committees; (c) all employees of county or municipal boards of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) the judge of any court; (e) any employee of the United States government or any agency thereof, and (f) any employee of the State of Alabama or any departments therein.

Section 4. All employees covered under this act shall be governed by such rules and regulations as may be prescribed or promulgated pursuant to this act by the board created in Section 5 hereof. Present employees shall remain in their respective employments; however, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Shelby County Law Enforcement Personnel Board which shall be composed of three members appointed by the members of the legislative delegation representing Shelby County, or any portion thereof, as herein provided. The following groups shall each submit the names of three nominees to said legislative delegation:

1. The Shelby County Commission shall jointly nominate three persons.
2. The Shelby County Legislative Delegation shall jointly nominate three persons.
3. The sheriff of Shelby County shall nominate three persons.

The legislative delegation shall appoint one member from the nominees submitted by each group. The first three appointees shall serve terms of office as follows: The appointee from the Shelby County Commission shall serve two (2) years, the appointee from the legislative delegation nominees shall serve four (4) years, and the appointee from the sheriff department nominees shall serve six (6) years. Thereafter, all appointees shall serve six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. All appointees to the board shall be a resident and qualified elector of Shelby County and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office; which shall be filed in the office of the Probate Judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary annually from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month, plus such mileage as is provided by law to the Shelby County Commission. The board shall have the power to hire such clerical assistance and engage such legal counsel of its own choice, as may be necessary to adequately perform its functions.

Section 7. The board shall hold such regular meetings as it may by rule and regulation prescribe. Special meetings shall be held at such times and places determined by the board upon the call of its chairman, or as are otherwise required to hold hearings upon complaint as hereinafter provided. A majority of the board members shall constitute a quorum for the transaction of business.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. All board records, except those required by board rules to be held confidential for reasons of public policy shall be open for inspection by any resident of the city or county at all reasonable times.

Section 9. The board shall be empowered to and shall promulgate such rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave and such other matters as may be necessary to accomplish the purposes of this act. Any proposed rule or regulation shall become effective only after it is adopted at a meeting of the board which meeting is open to the

public, and after a certified copy thereof has been filed with the county clerk and the municipal clerk of each municipality electing to come under this act. All employees shall be appointed upon a non-partisan merit basis, however, the board shall not examine nor appoint any person who is not a United States citizen.

Section 10. The board shall perform, but shall not be limited to, the following specific functions:

(a) To classify the various types of service under its jurisdiction;

(b) To prescribe minimum qualifications, including those of education, training and experience for each such classification of service;

(c) To provide a salary range, from minimum to maximum salary authorized, for each class of service; however, for a period of five years following enactment of this act the minimum salary for any class shall not be less than any existing pay plan for such class of service, provided further that after the said five-year period has elapsed, the salary ranges prescribed by the board shall be used exclusively, regardless of any conflicting pay plans;

(d) To classify and identify each position existing in the present system to its proper class of service;

(e) To periodically provide for the rating of employees' performance;

(f) To establish rules and regulations governing appointments, promotions, salary increases or decreases, as well as layoffs, leaves of absence, suspensions, dismissals terminations, and other disciplinary actions affecting employees.

Section 11. The salary to be paid each employee shall be determined by his or her appointing authority or as otherwise provided by law; provided further that in each case the salary paid shall be within the limitations prescribed by the board. It shall be unlawful, and punishable as hereinafter provided, for any official or employee to draw or issue any warrant on any municipal treasury or on the county treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as excessive salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city or county against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 12. The board shall keep a register of all persons eligible and available for appointment to each class and position in the service of the county or of any municipality electing to come under this act, ranked according to ability; provided, however, that no examination shall be given and no register kept for positions designated by the board as common laborers. Employees laid off who are subsequently available for reemployment shall be placed at the head of the proper list for eligible registrants in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status only under such circumstances and in such manner as may be provided for in the board's rules and regulations.

Section 13. Persons seeking employment in any position must file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and subject to limitations specified by the board as to age, residence, health, height, weight, moral character, and other factors pertinent to ability to discharge the duties of the position, provided further, that only United States citizens may apply for any such position. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. Any application which is more than two years old shall not be considered for filling any vacancy and in no case shall the board appoint or approve an appointment from an application which is over two years old. Any person whose application has lapsed may make re-application for any position. An applicant may apply for more than one position; however, any such applicant shall be entitled to be examined only once each two-year period for each position sought, unless otherwise provided by the board.

Section 14. Whenever a vacancy exists in any position, it shall be filled by appointment of one of the appropriate eligible registrants of the board, or by transfer within the service from another position of the same class. However, any eligible person of the same class who has been laid off, as provided in Section 12 hereof, shall receive preference in hiring in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible registrant. No such temporary appointment shall be effective longer than four months, and no such employee shall have protected status under this act. All appointments other than temporary appointments, shall be pro-

bationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period. A probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent; subject to discharge thereafter only for cause.

Section 15. An appointing authority, shall have authority to suspend an employee for any personal misconduct affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand thereon filed within ten days from the date of the order of suspension. A hearing shall be held no later than 10 days following receipt of the written request therefor. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked, and the employee shall be reinstated with back pay for the time period of discharge and hearing. If after hearing, the board determines that the action of the appointing authority was with cause, the aggrieved employee shall have the right to re-hearing and appeal as hereinafter provided.

Section 16. (a) The governing body of any municipality electing to come under this act, or any member thereof acting individually, or the head of any department of such municipality may remove, discharge, suspend or demote any subordinate employee of the municipality subject to this act, provided such municipal authority possesses, by law or regulation of the board, such disciplinary powers. The county sheriff or any supervisory employee to whom the sheriff has delegated such disciplinary powers may remove, discharge, suspend or demote any subordinate employee of the sheriff's office, provided that within five days thereof, a written report of such action is made to the board, giving the reason or circumstances surrounding such disciplinary action.

If any aggrieved employee is suspended for more than 30 days, removed, discharged, or demoted, he shall be entitled to a board hearing on such disciplinary action, upon written demand thereon within ten days of such action. A hearing shall be held within 10 days of the receipt of the written request therefor. All meetings of the board on disciplinary matters shall be open to the public, and shall observe the aggrieved employee's right to face his accusers and be heard in his own defense. A permanent employee who has completed the said six-month probationary period shall not have disciplinary action taken against him except for personal misconduct rendering

his further tenure harmful to the public interest, or for any cause affecting or concerning his fitness or ability to perform his duties.

(b) Pending a hearing on any disciplinary action, the aggrieved employee may be temporarily suspended. Upon a hearing, the board may order said employee reinstated with back pay from the time of such action to the date of reinstatement, or take or approve such disciplinary action as, in their judgment, is warranted by the evidence and under the law. Any aggrieved employee shall, after an adverse hearing, have the right to re-hearing and appeal as hereinafter provided.

Section 17. Written charges or complaints of wrongdoing or any other grievance may be filed with the board by any employee, officer, supervisor, chief, or other employee of any county or municipal law-enforcement office to which this act applies as herein provided. The charge, complaint or grievance must be specifically stated, and sworn to before any member of the board or before any person authorized to administer oaths.

Upon the receipt of such charges, the board, after due consideration shall determine whether in its opinion sufficient grounds exist to warrant a hearing thereon, and if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the employee thereby affected by such recommendation and the contents thereof, the board may, in its discretion, adopt and order executed the action or any part thereof recommended by the department head. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a hearing on the matter, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be recorded in shorthand by a stenographer. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board the city attorney, or county attorney as the case may be, may appear and prosecute all charges instituted by the governing body of the county or of any municipality electing to come under this act, either individually or as a body, or the sheriff or his supervisors, or by any department head, when requested or directed to do so by

such city governing body, or the sheriff or his supervisors. It shall not be the duty of the city attorney or the county attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney or county attorney may appear and represent the interests of the city or sheriff's department and they shall also give such legal advice and legal assistance to the board as may be requested by it.

Section 18. The board or its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation or proceeding within the purview of this act. The sheriff or some other person so designated by him, shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its authorized representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court may, in its discretion, issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the treasury of the city or county.

Section 19. Any employee aggrieved by a decision of the board on the original hearing shall be entitled to a re-hearing of the issue before the board as provided herein. The aggrieved employee shall make written request upon the board within 5 days of an adverse decision at the original hearing and the board shall, within 10 days of receipt of a request for re-hearing, hold such re-hearing in substantially the same manner as the original hearing to review its earlier decision. If, on re-hearing, the employee is aggrieved by the board's decision, such employee may appeal such decision to the circuit court of Shelby County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented.

Section 20. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to ex-

press his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office; or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 21. The county governing body shall provide the board an office in the county courthouse which shall be suitably equipped and furnished for the operation of the board's business, including, but not limited to telephone service, postage supplies, stationery, and other supplies necessary for the board's operations.

Section 22. Any person who violates any provision of this act shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law; additionally, any employee appointed or approved for county or municipal service pursuant to the provisions of this act who wilfully violates any provision of this act, including any rule or regulation promulgated by the board, shall be dismissed immediately and shall not be eligible for reappointment for a period of two years.

Section 23. All expenses incurred in the implementation of the provisions of this act shall be financed from a special fund provided in the county treasury for such purposes, pursuant to the passage of an additional tax on the sales of beer, malt or brewed beverages in Shelby County at the 1977 regular session of the legislature. It is further provided, however, that expenditures by the board in any year shall not exceed the net income derived from the proceeds of any such tax. Any income derived from the proceeds of any such tax, which exceeds the actual expenditures of the board for any year shall be paid over to the county general fund and shall be used exclusively for law enforcement purposes in said county.

Section 24. Any municipality within the county may elect to become subject to the provisions of this act by resolution adopted by the municipal governing body.

Section 25. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 26. All laws or parts of laws which conflict with this act are hereby repealed.

Section 27. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 790

H. 1330—Martin, Roberts, Drake, Cross

AN ACT

To provide further for the operation of the board of registrars in Morgan and Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars of Morgan and Baldwin County is hereby authorized to designate one member of the Board of Registrars as a full time clerk who shall serve at the office of the Board of Registrars at all times that the courthouse of Morgan and Baldwin County is open. Such member shall receive applications made to the board and perform the clerical duties of the board and shall be paid by the state and shall be entitled to the same compensation as he is entitled to receive for a day on which he meets with the full board.

Section 2. The two remaining members of the Morgan and Baldwin County Board of Registrars are hereby authorized to work the number of days now prescribed by law and in addition shall be entitled to work one hundred and fifty days each year, as deemed necessary and directed by the Board of Registrars. (Each member of the board shall be paid by the state and shall be entitled to the same compensation as he is entitled to for any days attendance of the board.)

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 791

H. 1331—Martin, Roberts, Drake, Cross

AN ACT

To further provide for the administration of absentee voting in Morgan County, except during municipal elections.

Be It Enacted by the Legislature of Alabama:

Section 1. After January 1, 1978 the Morgan County Board of Registrars shall administer all phases of absentee voting exclusively, except during municipal elections. Any act, function or duty relating to absentee voting required to be done by a register in chancery, circuit clerk or any one acting in their stead shall thenceforth be done or performed by the board of registrars or an absentee election manager who shall work under the direction of the board of registrars.

Section 2. The compensation now paid to the register or the clerk of the Circuit Court from the treasury of Morgan County pursuant to the provisions of Act No. 1147, H. 113, Regular Session 1975 (Acts 1975, p. 2251), shall hereafter be paid to the board of registrars.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 792

S. 761—Wilson

AN ACT

Relating to all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the 1970 or any subsequent federal decennial census; providing further for the costs and charges in criminal cases in any court of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the 1970 or any subsequent federal decennial census, in addition to all other costs and charges in criminal cases in any court of such counties a fee of \$3.00 shall be charged and collected by the clerk of any such courts. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile

probation fund in the county treasury to be used to finance a juvenile probation office. The county governing body is hereby authorized to make expenditures from said fund to carry out the provisions and purposes of this act.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 793

S. 813—Edwards

AN ACT

To repeal Act No. 679, H. 1377, approved September 8, 1961, entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for violation of the provisions hereof," as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 679, H. 1377, approved September 8, 1961, entitled "An Act to define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for violation of the provisions hereof," as amended, is hereby expressly repealed.

Section 2. This act shall take effect on July 1, 1977.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 794

S. 869—McDonald (S)

AN ACT

To provide that the investigators of the district attorney of the thirtieth Judicial Circuit shall have arrest powers in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The lawfully appointed investigators of the district attorney for the thirtieth Judicial Circuit shall have the

same arrest authority and powers vested in deputy sheriffs of Blount County while such investigators are performing authorized duties within Blount County. Provided, however, that the sheriff of Blount County, upon three days notice to the district attorney of said Circuit, may suspend such powers for any reason and for any period of time he deems appropriate.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 795 H. 646—Rich, Taylor, Martin, Dial, Jackson (F),
Starkey, Crawford, Glass, Sasser,
Carter, Cross, Gregg

AN ACT

Relating further to penalties for persons convicted pursuant to the "Alabama Worthless Check Act" [Act No. 2479, H. 2083 of the 1971 Regular Session (Acts 1971, p. 3958)], and prescribing that the courts shall order any person convicted thereunder to make restitution and to pay the court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. Any court upon passing sentence upon a person convicted of any offense, pursuant to the definitions and provisions of the "Alabama Worthless Check Act" [Act 2479, H. 2083 of the 1971 Regular Session (Acts 1971, p. 3958)], shall order such person to make full and immediate restitution to the plaintiff or complaining party. All court costs shall be taxed to the convicted defendant.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 796

H. 624—Plaster, Smith (C), Robertson

AN ACT

To permit the deduction by resident taxpayers from their adjusted gross income as computed for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other deductions permitted by law, there shall be allowed resident taxpayers a deduction from the taxpayer's adjusted gross income for state income tax purposes of the total cost of installation for conversion from gas or electricity to wood as the primary energy source for heating their individual domestic homes for the taxable year during which such conversion was completed.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 797

H. 806—Dial

AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, which provides for and regulates the employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

“Section 3. Qualifications. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having popula-

tions of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman, Perry, Coffee, Clay and Walker Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this act."

Section 2. This act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 798

H. 668—Kinsey, McMillan

AN ACT

Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census; exempting all volunteer fire departments within any such county from the payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 57,000 nor more than 61,000 according to the 1970 or any subsequent federal decennial census all volunteer fire departments heretofore or hereafter organized and existing in good faith for the purposes other than pecuniary gain and not for individual profit are hereby exempted from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 799

S. 619—McDonald (A), King, Baker

AN ACT

To provide a local retirement supplement for circuit judges in the twenty-third judicial circuit; providing for a method whereby such judges may elect to come under the provisions of this act; providing for contributions by such judges to the general fund of the county constituting such judicial circuit; and repealing Act No. 736, H. 1821, Regular Session 1973 (Acts 1973, p. 1096), except as to judges who have retired prior to the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any circuit judge in the twenty-third judicial circuit shall have the right of election to come under the provisions of this act. Any such judge who elects to make the contributions provided for in Section 2 hereof shall be entitled, after serving the required time in office, to receive as additional retirement compensation, payable from the treasury of the county wherein such circuit is located, a retirement supplement in a sum to be determined as follows:

	Years of Service as circuit judge Additional Retirement Compensation
18 but less than 24	\$5,000 per annum
24 or more	\$7,500 per annum

The retirement compensation provided for herein is supplementary to the retirement compensation paid such judges by the state and shall be paid out of the general funds of such county in twelve (12) approximately equal monthly installments on warrants properly drawn against such general funds. Provided, however, that, as to any circuit judges subject to the provisions of this Act and holding office on the effective date of this Act, the years of service requirements enumerated above shall not apply, and such judges shall be entitled to receive a retirement supplement effective from the date that they begin receiving retirement compensation under the State Judicial Retirement System. Provided further that the amount of such local retirement supplement as to any circuit judges subject to the provisions of this Act and holding office on the effective date of this Act shall be seven thousand five hundred (\$7500.00) per annum.

Section 2. A circuit judge in the Twenty-third Judicial Circuit may elect to participate in the retirement benefits provided in Section 1 hereof by filing with the clerk of the circuit court and with the chairman of the County Commission or County Treasurer of the county wherein such circuit is located a written instrument declaring his election to so participate

and authorizing the county governing body to deduct the sum of \$600 per annum as his contribution toward the cost of providing the retirement compensation provided for in Section 1 hereof.

Section 3. The election provided for in Sections 1 and 2 hereof must be made by a judge holding office at the time of the effective date hereof within ninety (90) days from the effective date hereof and if not then made may not thereafter be made. A judge not holding office on the effective date thereof must make such election within ninety (90) days after the date he takes office and if such election is not made it may not thereafter be made.

Section 4. If any person who has paid in contributions pursuant to Section 2 leaves office or dies before becoming entitled to receive the retirement compensation hereinabove provided for, he or his estate shall be entitled to be reimbursed all such contributions.

Section 5. Act No. 736, H. 1821, Regular Session 1973 (Acts 1973, p. 1096), relating to county supplemental salaries for retired supernumerary circuit judges of the Twenty-third Judicial Circuit, except as said Act shall apply to judges who shall have retired prior to the effective date hereof, is hereby specifically repealed and shall have no further force or effect of law except as it shall apply to judges who shall have retired prior to the effective date hereof. All rights existing on the effective date of this act on the part of judges who have retired prior to the effective date of this act are specifically preserved.

Section 6. The provisions of this act are severable. If any part or portion of this act is declared invalid or unconstitutional, such declaration shall not affect the parts or portions which remain.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 800

H. 7—Falkenburg

AN ACT

To amend the Title and Section 1 of Act No. 1006, H. 111, 1973

Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," so as to provide that organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title and Section 1 of Act No. 1006, H. 111, 1973 Regular Session (Acts of 1973, p. 1541), entitled, "An Act Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday," are hereby amended to read as follows:

"An Act Relating to counties having a population in excess of 600,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys or organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce, may operate on Sunday.

"Section 1. Nothing in Title 14, Section 420, Code of Alabama 1940, as amended, or any other general, special or local law of this state shall be construed so as to prevent the operation on Sunday of any automotive parts businesses, antique dealers, flea markets, gift shops and shops operated at hospitals, public parks, public airports, public auditoriums and civic centers or bowling alleys or organized trade shows in which no retail sales to the public are permitted and which shows are sponsored by the area chamber of commerce in any county of this state having a population of 600,000 or more inhabitants according to the 1970 or any subsequent federal decennial census."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 801 H. 99—Biddle, Waggoner, Armstrong, Carter,
Starkey

AN ACT

Further regulating the trapping of fur-bearing animals in the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958) so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 8, Section 91, Code of Alabama 1940 (Recompiled 1958), as amended is hereby further amended to read as follows:

“Section 91. Licenses to capture and kill fur-bearing animals for commercial purposes. It shall be unlawful for any person to take, capture or kill, or attempt to take, capture or kill, for commercial purposes by any means or device, any of the fur-bearing animals protected by the laws or regulations of this state without first procuring a license therefor to be issued in the same manner as is provided for hunting and fishing licenses. Any person who has been a bona fide resident of this state for six months next preceding may procure a resident trapping license for himself by paying the sum of seven dollars and sixty-five cents (\$7.65). Any person who has not been a bona fide resident of this state for six months next preceding may procure a nonresident trapping license for himself by paying the sum of five hundred dollars and fifteen cents (\$500.15). Any resident or non-resident when trapping for beaver only shall not be required to pay a license fee. Said trapping license shall be valid only during the season when fur-bearing animals may be legally taken. It shall be unlawful for any person to trap in the State of Alabama without identifying each trap with a plastic or metal tag bearing the license number, name and address of the owner provided, however, that traps used solely for beaver shall be identified in a like manner, but said tag shall bear only the name and address of the owner. Should any law enforcement officer of this state or employee of the department of conservation and natural resources of the State of Alabama discover any trapping device being used in violation of the terms of this act, he shall confiscate said device and it shall become the property of the department of conservation and natural resources and shall be

disposed of as ordered by the commissioner of conservation and natural resources. A violation of the provisions of this section or failure to fully comply therewith shall constitute a misdemeanor and upon conviction, the person violating same or failing to comply therewith shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for each offense."

Section 2. Any person shall be strictly liable for civil damages who causes injury or damage to any person or domestic animal as a result of using any trap or similar device to take, capture or kill any of the fur-bearing animals protected by the laws or regulations of this state. Any person who suffers injury or damage to his person or domestic animal as a result of such activity shall have an action for civil damages and such aggrieved person need not prove negligence.

Section 3. It shall be unlawful for anyone to trap on or from a state highway right-of-way unless the trapper has the permission of adjoining landowners.

Section 4. All traps set in or beneath water must be checked at least once every 72 hours. All traps other than water sets must be checked at least once every 24 hours. Further provided, that it shall be unlawful for anyone to hang or suspend bait over or within 25 feet of a steel trap.

Section 5. Any person licensed to trap fur-bearing animals in the State of Alabama shall file with the Game and Fish Division Office in Montgomery a report listing by county the number and type of animals trapped during the preceding season and the names and addresses of the persons or companies to whom the furs were sold. Any person, firm or corporation licensed as a fur dealer pursuant to the laws of Alabama shall file a report with the Game and Fish Division Office in Montgomery listing the names and addresses of each trapper from whom furs were purchased, describing the number and type of furs purchased from each trapper. All reports required herein must be submitted no later than 45 days after the close of each trapping season.

Section 6. A violation of the provisions of Sections 3, 4 and 5 of this act or failure to fully comply therewith shall constitute a misdemeanor and the person violating same or failing to comply therewith shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 802

H. 172—Martin, Roberts, Naramore, Cross, Starkey, Carter, Plaster, Smith (C), Wyatt, Weeks, Brindley, Goodwin, McNees, Albright, Boles, Drake, Sasser, Folmar, Dial, Quarles, Howard, Andrews, Hopping, Johnson, Carothers

AN ACT

Relating to sick leave for teachers in city and county school systems and the Alabama Institute for Deaf and Blind. To amend Title 52, Sections 136 and 197, Code of Alabama, 1940, and Section 2 of Act 688, H. 452, 1951 Regular Session, to allow educators in city and county school systems and the Alabama Institute for Deaf and Blind to accumulate sick leave at the rate of one day for each month employed without limiting the number of days which may be accumulated.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 52, Section 136, Code of Alabama, 1940, is hereby amended to read as follows:

“Section 136. Vacations and leaves of absence. — The county board of education shall have the authority under such rules and regulations as may be promulgated from time to time by the state board of education to provide for the payment from public funds of teachers or other employees of the county board of education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absence during the time the schools are not in session for such teachers and employees on part of full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the state board of education as beneficial to the educational work of the county; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties; and provided, that any teacher not utilizing or being paid for the

sick leave accrued in any one year pursuant to regulations of the state department of education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system, or for any other school system in which such educator may later be employed, until he shall accumulate a maximum of 150 days, and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year, and the allowance of any such pay shall at all times be in the discretion of the county board of education."

Section 2. Title 52, Section 197, Code of Alabama, 1940, is hereby amended to read as follows:

"Section 197. Vacations and leaves of absence. — The city board of education shall have the authority under such rules and regulations as may be promulgated from time to time by the state board of education to provide for the payment from public funds of teachers or other employees of the city board of education who are employed by the year for not over two weeks which said teacher or employee may be allowed by said board as a vacation, but such vacation must not be allowed during the time the schools are in session; and to provide leaves of absence during the time the schools are not in session for such teachers and employees on part or full pay when such teacher or employee devotes such leave of absence to instructing in or attending schools for teacher training or in such manner as approved by the State board of education as beneficial to the education work of the city; and to provide for the payment of any teachers, whether employed by the year or not, for absences during the time schools are in session where such absence results from sickness or some other unavoidable cause which prevents such teacher from discharging his duties; and provided, that any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the state department of education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system, or in any other school system in which educator may later be employed, until he shall accumulate a maximum of 150 days, and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year, and the allowance of any such pay shall at all times be in the discretion of the city board of education."

Section 3. Section 2 of Act 688, H. 452, 1951 Regular Session (Acts of 1951 p. 1190, now appearing in the Code of

Alabama, 1940, Recompiled 1958, as Title 52, Section 534 (3)) is hereby amended to read as follows:

"Section 2. Sick leave plan for teachers authorized. — The state board of education is authorized to establish a sick leave plan for teachers employed by the Alabama Institute for Deaf and Blind, define sick leave, determine rate of reimbursement for substitute teachers who serve in the place of teachers on sick leave, limit the number of days of sick leave per teacher for which reimbursement may be made up to a maximum of 150 days, and to make such other rules and regulations as may be necessary for the effective operation of this and the preceding section. Any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the state board of education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days without limit to the next consecutive year or years of employment at the Institute or in any other school system in which such educator may later be employed. Pay for absences resulting from unavoidable causes other than sickness shall not be allowed for a longer time than one week during any one year.

Section 4. All laws or parts of laws in conflict herewith are expressly repealed.

Section 5. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 803

H. 573—Pegues, White

AN ACT

To provide that an inter vivos gift of assets including but not limited to money, land, or buildings is void if the donor is left without means of support and has not reserved for himself for life an adequate amount from that gift to provide for his subsistence and to specify certain circumstances as herein defined in which the provisions of this act shall not apply.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, unless the context clearly requires a different meaning, "subsistence" means that amount of money or its equivalent necessary to provide one with the minimum necessities of life such as food, clothing, shelter and medical care.

Section 2. All inter vivos gifts of assets including but not limited to money, lands, or buildings are void if the donor is left without means of support and does not reserve for himself for life an adequate amount separate from that gift to provide for his subsistence; provided, however, that this provision shall not apply to any gift not expressly and specifically declared void hereunder by an administrative or judicial tribunal of competent jurisdiction within the two-year period immediately following the date of the gift.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 804

S. 627—Stewart, Teague

AN ACT

Providing for the establishment of a family court division of the circuit court of the seventh judicial circuit; prescribing the jurisdiction of such court; providing for the selection, appointment, qualifications, tenure, and compensation of its officers, and administrative and clerical personnel and providing for the transfer of cases from all other courts in such circuit having jurisdiction of juveniles and of domestic relations cases.

Be It Enacted by the Legislature of Alabama:

Section 1. A family court division of the circuit court of the seventh judicial circuit shall be established as herein provided. This division of the court shall, as its primary function, handle all cases and proceedings in such circuit involving divorces, annulments of marriages, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act, and all other domestic and marital matters over which the circuit courts have jurisdiction. The division and the judge thereof shall also have and exercise original and exclusive jurisdiction over juveniles for the purposes above declared, and for the enforcement of Article 5, Title 13, Code of Alabama, and non-support cases arising in

the circuit under Title 34, Code of Alabama, and amendments and additions thereto. For the purpose of this act, a juvenile is defined as any boy or girl who has not reached his or her eighteenth birthday. All cases and proceedings involving domestic reactions and marital matters which originate in the circuit court shall be assigned to the family court division; however, if the docket of the division is overcrowded, a portion of such cases may be reassigned by the presiding judge of the circuit court to other judges of said court.

Section 2. There is created, effective the first Monday after the second Tuesday in January following the first general election held in 1978, an additional circuit judgeship for the seventh judicial circuit of Alabama, which shall be designated as circuit judge place number four and shall be in addition to the judgeships of the circuit now existing. Such judge shall preside over the family court division of the seventh judicial circuit and his term of office shall begin the first Monday after the second Tuesday in January following the first general election held in 1978. At such election such judicial office shall be filled for a full term of office. Nothing in this act shall be construed to prohibit any person from qualifying to run as a candidate for the said judgeship in the primary and general elections prior to the effective date of the creation of the said judgeship. Circuit judge place number four shall not be deemed vacant prior to its creation.

Section 3. The judge of the family court division of the circuit court of such county shall take the same oath of office, shall have and exercise all the jurisdiction, powers, rights, and authority, and possess all of the qualifications, perform all of the duties, and be subject to the obligations and penalties that other circuit judges may have, exercise, perform and be subject to; provided, his primary duty shall be to try or otherwise dispose of cases and proceedings instituted or pending in the family court division of the circuit court.

Section 4. The judge of the family court shall be paid by the State of Alabama the same salary as other circuit court judges. The county shall supplement the salary of the judge in the same amount and in like manner as it supplements the salaries of other circuit court judges.

Section 5. The register of the circuit court of Calhoun County and the clerk of the circuit court of Cleburne County shall be the clerk of the family division in the respective counties of the circuit.

Section 6. The judge of the family court shall appoint a court reporter. The court reporter so appointed shall receive the same salary from the State of Alabama as the other court

reporters of the circuit court and he shall receive the same salary from the counties comprising the circuit as other court reporters of the seventh judicial circuit.

Section 7. The judge of the family court may appoint a bailiff who shall perform the same duties as other bailiffs in the seventh judicial circuit and who shall receive the same salary from the State of Alabama as other bailiffs and shall receive the same salary from the counties comprising the circuit as other bailiffs of the seventh judicial circuit.

Section 8. The judge of the family court shall have the authority to provide for personnel as provided for in Article 5, Title 13, Code of Alabama. All present employees of the Juvenile Division of the District Court shall become employees of the Family Division of the Circuit Court; the presiding Judge of the Family Division will provide for the administration, supervision and assignment of duties of court personnel.

Section 9. All salaries payable under this act which may be lawfully paid by the State of Alabama under general laws shall be paid by the state. All salaries which may not be paid by the state under general laws shall be paid by the county. Provided, the county's share of the salary of the juvenile probation officer for Calhoun County shall be paid as follows: fifty (50) percent shall be paid from the general fund of Calhoun County and fifty (50) percent shall be paid by the City of Anniston, Alabama.

Section 10. Whenever a family court division of the circuit court has been organized pursuant to this act and is ready to function, all cases or causes then pending in the district court or any other court having jurisdiction of juveniles and matters involving domestic relations shall be forthwith transferred to the family court. A certificate from the judge of the family court, stating that such court has been duly organized and is ready to function shall be authority for the transfer of all cases then pending in the district court or any other court having jurisdiction of juveniles and matters involving domestic relations.

Section 11. Proceeding in the hearing of all cases concerning juveniles in the family court shall be in conformity with the provisions of Article 5, Title 13, Code of Alabama, except as herein otherwise provided.

Section 12. On the filing of a bill of particulars for divorce or separate maintenance, where the bill or petition is contested, or where the support of children is involved, the judge of the family court may request one of the probation officers of said court or caseworkers of the department of pensions and se-

curity to cause an investigation and report to be made as to the character, family relations, past conduct, earning ability and financial worth of the parties to the action. The report of such investigation shall be made available only to the parties or their counsel of record and the court.

Section 13. Traffic violations by juveniles are specifically exempted from the coverage of this act provided that any municipal court judge, or district court judge in such circuit may, in the event a juvenile becomes a chronic violator of traffic laws, transfer said case to the family court.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This act shall become effective on the first Monday after the second Tuesday in January following the first general election held in 1978.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 805

H. 293—Sonnier

AN ACT

To place supervision of public water systems of the state; to empower the State Board of Health to promulgate State Primary and Secondary Drinking Water Regulations; to provide for variances and exemptions; to exercise emergency powers to prevent imminent hazards; to establish procedures for notification of users and concerned agencies of violations which could present health hazards; to require submission of samples and analysis thereof; to establish procedures for permits to furnish water; to provide for penalties and remedies; to provide for the administration of the Act; to punish violators; to allow appeal; and to establish the Safe Drinking Water Fund and appropriate from the said fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title—This Act may be cited as the “Alabama Safe Drinking Water Act of 1977.”

Section 2. Definitions—When used in this Act and except where the context prohibits, the following words and terms shall have the following meaning:

(1) Federal Act — the Safe Drinking Water Act, Public Law 93-523.

(2) Administrator — the Administrator of the United States Environmental Protection Agency.

(3) National Primary Drinking Water Regulations — primary drinking water regulations promulgated by the Administrator pursuant to the Federal Act.

(4) Federal Agency — any department, agency, or instrumentality of the government of the United States, the regulation of which has been delegated to the State of Alabama Pursuant to the Federal Act.

(5) Board — the State Board of Health as constituted under Title 22, Section 1, Code of Alabama, 1940 (1958 recomp.).

(6) Health Officer — the Health Officer of the State of Alabama or his representative.

(7) Local Government Unit — any community, town, city, county, board, authority, non-profit corporation or other unit of government created by the Legislature.

(8) Person — any individual, firm, partnership, corporation, local government unit, party, company, association, federal agency, state agency, or any other public or private legal entity.

(9) Supplier of Water — any person who owns or operates a public water system.

(10) Contaminant — any physical, chemical, biological or radiological substance or matter in water.

(11) Public Water System — a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals at least sixty (60) days out of the year. A public water system includes:

(a) Any collection, treatment, storage and distribution facilities under the control of the operator of such system and used primarily in connection with such system and

(b) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

A public water system is either a community water system or a non-community water system.

(12) Community Water System — a public water system which serves at least fifteen (15) service connections used by

year-round residents or regularly serves at least twenty-five (25) year-round residents.

(13) Non-community Water System — a public water system which does not meet the requirements of a community water system.

(14) Major Modification — any modification of a public water supply which is declared to be "major" by the regulations of the State Board of Health.

(15) State Primary Drinking Water Regulation — a regulation which:

- (a) Applies to a public water system;
- (b) Specifies contaminants which, in the judgment of the Board, may have an adverse affect on the public health;
- (c) Specifies for each such contaminant either:
 - (i) A maximum contaminant level; or
 - (ii) Each treatment technique known to the Board which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of Section 4 of this Act if, in the judgment of the Board, it is not economically or technologically feasible to ascertain the level of such contaminant; and
- (d) Contains criteria and procedures to assure a supply of drinking water which dependably does not exceed such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to:

- (i) The minimum quality of water which may be taken into the system and

- (ii) Siting for new facilities for public water systems.

(16) State Secondary Drinking Water Regulation — a regulation which:

- (a) applies to a public water system;
- (b) specifies maximum contaminant levels necessary to protect the public comfort or well-being controlling contaminants which:

- (i) adversely affect odor or appearance of water, thereby causing substantial number of persons to discontinue its use or,

- (ii) otherwise adversely affect the public comfort or well-being; and

(c) may vary according to geographic and other circumstances.

Section 3. Board has Regulatory Authority over Water Supplies—The Board has regulatory authority over all public water systems in the state insofar as purity, potability, wholesomeness and physical quality of water which may affect the public health, comfort, or well-being and shall, from time to time, examine, investigate, and monitor the sources of public water supplies, the method of protecting ground water supplies, and the method of filtering, treating, storing, and delivering water to consumers. The Board shall consult with and advise suppliers of water or persons intending to become suppliers of water as to the best source of water and the best method of assuring its purity.

Section 4. State Primary Drinking Water Regulations—The Board shall promulgate and enforce State Primary Drinking Water Regulations that at no time shall be less stringent than the complete, current interim or revised National Primary Drinking Water Regulations. State Primary Drinking Water Regulations shall apply to each public water system in the state, except those which meet all the following:

- (1) consist only of distribution and storage facilities and which does not have any collection and treatment facilities;
- (2) obtain all their water from, but are not owned or operated by a public water system to which such regulations apply;
- (3) do not sell water to any person; and
- (4) are not carriers which convey passengers in interstate commerce.

Section 5. State Secondary Drinking Water Regulations—The Board shall promulgate and enforce State Secondary Drinking Water Regulations. State Secondary Drinking Water Regulations shall apply to each public water system in the state, except those systems exempted by Section 4.

Section 6. Variances and Exemptions—The Board may authorize variances and exemptions from the regulations issued pursuant to Section 3 under conditions and in such manner as it, by regulation, deems necessary and desirable.

Section 7. Imminent Hazards—The Board, upon receipt of information that a contaminant which is present in or is likely to enter a public water system may present an imminent and substantial danger to the public health, may take the following or other appropriate administrative actions:

- (1) Issue such orders as may be necessary to protect the

health of persons who are or may be users of such system, including travelers; and

(2) Commerce a civil action for appropriate relief, including a restraining order or permanent injunction as provided in Sections 20 and 22.

Section 8. Notification of Users and Regulatory Agencies—The supplier of water shall as soon as practicable, notify the local county health department(s), the Board, the Administrator, users, the public, and communications media located in the area served by the system whenever a public water system:

(1) Is not in compliance with the State Primary Drinking Water Regulations;

(2) Fails to perform monitoring required by regulations adopted by the Board;

(3) Is subject to a variance granted for an inability to meet a maximum contaminant level requirements;

(4) Is subject to an exemption; or

(5) Fails to comply with the requirements prescribed by a variance or exemption.

The notice shall include the fact of violation of public drinking water regulations, variance or exemption from compliance with such regulations; and the extent, nature and possible health effects of such fact. Public notice shall be given in a manner prescribed by regulation.

Section 9. Samples Required—At least once a month or as required by the Board, every supplier of water shall deliver to the State Laboratory or a laboratory certified by the Board, samples of water supplied to the public.

Section 10. Analysis of the Water—The Board shall cause a bacteriological, sanitary and/or chemical analysis to be made of each sample so delivered, shall record such analysis and shall furnish a copy to the supplier of water.

Section 11. Application for Permit to Furnish Water—Any person proposing to operate, construct, install, add to, or make major modification of a public water system shall, prior to construction of such, file with the Board an application for a permit to do so, together with complete plans and specifications and a statement containing a general description of the proposed public water system or of the proposed changes in the existing system, showing the geographical location thereof with relation to the source of water supply, and the manner of storage, purification, treatment, or delivery proposed or used

for the supply, and all sanitary and health conditions surrounding and affecting the said supply and the works, system and plant. The plans and specifications and statements shall be in such form and shall detail such matters as the Board by regulation shall require.

Section 12. Investigation of Public Water System—Upon filing of plans and specifications and statements by an applicant, the Board is authorized to investigate the proposed system or existing works, system, plant, water supply and all other circumstances and conditions deemed material by the Board.

Section 13. Order of the Board Finding Water Impure or Unwholesome—Upon completion of any such investigation or of any routine or special inspection, the Board, if it shall determine that the water being supplied or to be supplied is impure, unwholesome, or unpotable, fails to comply with a maximum contaminant level or may constitute a menace or danger to the health or lives of human beings, or that the existing or proposed works, systems, plant, or water supply or proposed modifications thereof are not suited to the production and delivery of healthful, pure, and wholesome water, then, upon order of the Board, the applicant or supplier of water shall make, within a time designated by the Board, such changes as the Board deems necessary to secure a continuous supply of pure, wholesome, potable and healthy water. The Board may prohibit the use of said water supply or any modification, construction or operation of said works, system or plant until all orders of the Board are carried out. Thereafter, it shall be unlawful for the applicant to use the said public water supply or to modify, construct or operate the said works, system or plants until the orders of the Board are withdrawn.

Section 14. Permit Issued to Applicant; Suspension or Revocation of Permit—If the Board shall determine that the water being supplied or to be supplied is pure, wholesome and potable and does not endanger the lives or health of human beings, it is authorized to grant the applicant a permit authorizing the applicant to furnish or to continue to furnish or supply water to human beings. All permits issued hereunder are revocable and may be suspended by the Board at any time the Board shall determine that the water being supplied is or is in danger of becoming impure, unwholesome or unpotable or does or will endanger the lives, health, comfort or well-being of human beings. Permits issued under this Act are in addition to any other permits required by law.

Section 15. Right of Board to Enter and Make Inspections—The Board and its inspectors shall have full power and

authority to enter into and upon any and all places, property, enclosures and structures for the purpose of making investigations or inspections required by Section 12 and any routine or special inspections as the Board may determine.

Section 16. Report to Board by Applicant; Expenses of—Any applicant or supplier of water may, for cause stated, be required by the Board to furnish a complete report of the condition and operation of the water supply, plant, works or system owned, operated or controlled by the said applicant. This report shall be made by a duly licensed professional engineer, the cost and expenses of which shall be paid by the applicant.

Section 17. Permit to Construct Public Water System—No person shall construct or make major modification of any public water system, or portion thereof, without having first obtained a permit from the Board as provided in this Act. No local government unit shall be authorized to incur any debt or to issue bonds in aid of such public water system unless a permit shall first have been obtained from the Board as required by this Act.

Section 18. Polluting Public Water Supply—No person shall deposit any dead animal or fowl or any noxious, nauseous or poisonous substance or any human waste in any portion of a public water supply or in any private well, spring, reservoir, tank, vessel or receptacle appurtenant to a public or private water supply.

Section 19. Prohibited Acts—The following acts and the causing thereof are prohibited:

(1) Failure by a supplier of water to comply with the requirements of Section 10 of this Act, or dissemination by such supplier of any false or misleading information with respect to notices required pursuant to Section 8, or regulations promulgated thereunder or with respect to remedial actions being undertaken to achieve compliance with State Primary Drinking Water Regulations and State Secondary Drinking Water Regulations;

(2) Failure by any supplier of water to comply with Section 9 of this Act;

(3) Failure by a supplier of water to comply with regulations promulgated pursuant to this Act, or with conditions for variances or exemptions authorized under Section 6 of this Act; and

(4) Failure by any person to comply with any order issued by the Board pursuant to this Act.

Section 20. Penalties and Remedies—

(1) A fine not to exceed \$5,000 may be imposed by a court of competent jurisdiction on any person who violates (Sections 11, 17, 18, 19(1) or 19(2) of this Act;

(2) The Board may recover from any person who violates, or fails or refuses to comply with any regulation duly promulgated by the Board, any variance or exemption authorized by the Board, or any order issued by the Board pursuant to this Act in a civil action brought in a court of competent jurisdiction, a civil penalty of not more than \$5,000 for each day in which such violation occurs or failure or refusal to comply continues; and

(3) The Board may institute a civil action in any court of competent jurisdiction to insure full compliance with or for injunctive relief to prevent violation of this Act or any order or regulation issued pursuant to this Act, in addition to any other remedies provided for under this Section.

Section 21. Administration—To carry out the provisions and purposes of this Act, the Board is authorized and empowered to:

(1) perform any and all acts necessary to carry out the purposes and requirements of this Act relating to the adoption and enforcement of State Primary Drinking Water Regulations and State Secondary Drinking Water Regulations;

(2) administer and enforce the provisions of this Act and all rules, regulations and orders promulgated or issued hereunder;

(3) receive financial and technical assistance from the federal government and other public or private agencies;

(4) participate in related programs of the federal government, other states, interstate agencies, or other public or private agencies or organizations;

(5) establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds appropriated or otherwise provided for the purpose of administering requirements of this Act;

(6) maintain such records as may be required by the Administrator pursuant to the Federal Act;

(7) delegate the authority to carry out the duties as deemed appropriate for the purpose of administering requirements of this Act;

(8) establish and collect fees for the purpose of certifying

or giving approval to any governmentally or privately owned laboratory desiring to perform laboratory analyses for water suppliers in a manner required by the Board;

(9) collect fees from any supplier of water willfully or negligently causing the Board to perform extraordinary or repetitive inspections, a sum equivalent to that expended by the Board for its performance of additional inspections; and

(10) promulgate such regulations as are necessary or appropriate to carry out the purposes of this Act.

Section 22. Violation of Act; Nuisances, Abatement of—Anything done, maintained or suffered in violation of any of the provisions of this Act shall be deemed to be a public nuisance and dangerous to health, and may be abated, summarily or otherwise, by the Board, in a manner prescribed by law.

Section 23. Appeal—Any person adversely affected by an order or action of or the granting or refusal to grant or suspension or revocation of any permit by the Board after final administrative hearing, in a manner prescribed by the Board, shall have the right to review of the action in the manner in which final judgments of the circuit courts are reviewed.

Section 24. Safe Drinking Water Fund—There is hereby established a special fund to be known as the Safe Drinking Water Fund. All fees and penalties due and collected by whatever means under this Act shall be deposited in the said fund under the direction of the Treasurer of the State of Alabama. All money in the said Safe Drinking Water Fund is hereby appropriated to the Department of Public Health to be used to carry out the purposes of this Act.

Section 25. Suspension of Law—This Act is intended to supplement existing law, and no part thereof shall be construed to repeal any existing laws specifically enacted for the protection of health, the protection, maintenance and improvement of the quality of public water supplies or the control of radiation; however, the provisions of Title 22, Sections 117-140, Code of Alabama, 1940 (1958 recom.) are hereby expressly suspended for as long as Federal funding is available for this Act. Notwithstanding any other provision in this Act, this Act shall only be effective for as long as Federal funds are available for its implementation.

Section 26. Severability—The provisions of this Act are hereby declared to be severable. If any section or provision of this Act be held or unenforceable by any court, the said holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

Section 27. Effective Date—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 23, 1977.

Time: 6:00 P.M.

Act No. 806

S.J.R. 358—Gilmore

SENATE JOINT RESOLUTION

COMMENDING MRS. THERECIA ROY, LUNCHROOM MANAGER AT McADORY SCHOOL.

WHEREAS, Mrs. Therecia Roy, a lunchroom manager for twenty-seven years, has been at McAdory School in McCalla, Jefferson County, Alabama, for the past seven years, during which time she has more than doubled lunchroom participation from 750 to 1,650, including 200 students who are served breakfast; and

WHEREAS, McAdory students in grades one through 12 enjoy one of the finest lunchroom programs in Jefferson County; through shrewd management and wise supervision, steaks on occasion have been served as have shrimp, roast beef, ham and other dishes seldom found on school menus; and

WHEREAS, with emphasis always on the importance of nutrition, Mrs. Roy also realizes the necessity of serving foods that are enjoyed by her students; to guard against waste, foods that are not well-received are never served again; and

WHEREAS, the secret of her success consists of simply caring about her students and of doing her job, as does her staff, with enthusiasm and good cheer; in her own words, "A crust of dry bread served with a smile is more delicious than a good meal served with a growl"; and

WHEREAS, Mrs. Roy is as much loved by her customers, as she calls them, as her good food is appreciated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Therecia Roy of McAdory School on the excellence of her lunchroom management and for devoted dedication to duty.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Roy that she may know of our warm praise for her outstanding accomplishments.

Approved May 26, 1977.

Time: 5:00 P.M.

Act No. 807

H. 442—Turnham, Warren, Whatley, Baker,
McCulley

AN ACT

To provide for the partial participation of certain retired employees of the Cooperative Extension Service of Auburn University retired under Federal Civil Service Retirement in the state employees' retirement system under the provision of Act No. 697, H. 1601, Regular Session 1975, Vol. III, p. 1451), upon such employees making a certain contribution to the employees' retirement system; and to appropriate from the Alabama Special Education Trust Fund such additional sums as necessary to implement the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law to the contrary notwithstanding, any retired employee of the Cooperative Extension Service of Auburn University, who has retired under Federal Civil Service Retirement after January 1, 1972 but prior to enactment of Act No. 697, H. 1601 of the 1975 Regular Session (Acts 1975, Vol. III, p. 1451) and who would be eligible to participate in the employees' retirement system of the State of Alabama under the provisions of Act No. 697, H. 1601, Regular Session 1975 (Acts 1975, Vol. III, p. 1451), shall be allowed prior creditable service under the employees' retirement system for time spent in the employment of the Cooperative Extension Service before retirement under Federal Civil Service Retirement and shall be allowed to participate in the employees' retirement system under the same conditions and with same benefits for such past service as employees eligible to participate in the employees' retirement system under the provisions of said Act No. 697, H. 1601, Regular Session 1975 (Acts 1975, Vol. III, p. 1451), provided that 10% of the cost with respect to the claim for prior service shall be borne by the individual employee; the remaining 90% to be paid from funds made available from the Alabama Special Education Trust Fund. All other costs with respect to the claim or prior service for the individual employee shall be paid from funds made available from the Alabama Special Education Trust Fund for that particular purpose, and such claims for prior service shall be without cost or liability to Auburn University. Contributions plus regular interest by the employee shall be made no later than 180 days after the effective date of this Act.

Section 2. The board of control of the employees' retire-

ment of Alabama shall administer the provisions of this Act and shall make such rules and regulations as necessary in carrying out its provision.

Section 3. There is hereby appropriated from the Alabama Special Education Trust Fund sufficient additional sums to implement the provisions of this Act.

Section 4. The provisions of this Act are supplemental and shall not be construed to repeal any laws not in direct conflict therewith.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 26, 1977.

Time: 5:00 P.M.